Investigation process

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Investigation process

The primary purpose of a criminal investigation is to identify the suspect and to ensure that they are brought to justice following a professional, ethical and robust investigation. This will help to prevent future offending, to improve public confidence in the police, and to reduce both crime and the fear of crime.

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

> *'An investigation conducted by police officers with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it.'*

Conducting impartial and ethical investigations will help to ensure that individuals and communities have confidence in the effectiveness of the police service and in the fairness of the processes and techniques they use.

The police attend and investigate a wide variety of incidents, including where an offence has – or is suspected to have – been committed, as well as incidents such as missing persons, anti-social behaviour and road traffic collisions.

The investigative process set out in this APP can be used by anyone involved, such as a police or police staff investigator, for any investigation.

Crime recording is an intrinsic part of the initial response to a report of a crime. A crime should be recorded in accordance with the **Home Office Crime Recording Rules**. Effective crime recording will promote accurate and consistent crime data. It is also designed to ensure that victim allegations

are taken seriously, and that any investigation that follows is taken forward with consideration to the **Code of Practice for Victims of Crime**.

The purpose of this APP is to set out a systematic approach to investigating incidents for officers and staff, within the ethical and legal framework provided by CPIA. This process allows forces to undertake proportionate investigations to meet the requirements of the crime or incident, with greater resource being committed to undertake more complex and/or bigger investigations.

Key messages

- All officers are investigators, as are many members of police staff, including police staff investigators and call handlers, for example. There are distinct roles:
  - responding to a report of an incident or allegation of crime
  - providing the initial response for later handover to another investigator
  - conducting an investigation to its conclusion

- Every investigation is a unique opportunity to recognise the impact that crime and criminality has on victims, witnesses and the community and to build confidence in the criminal justice process.
- An investigator must be professionally curious and must conduct a thorough and effective investigation to secure the right outcome, in order to:
  - reduce crime
  - prevent harm, including safeguarding victims, witnesses and suspects
  - focus an investigation on the behaviour of the suspect, not the behaviour of the victim, particularly in those cases where a vulnerable person has been exploited or abused
  - bring offenders to justice

- The Human Rights Act 1998 imposes a general duty to investigate ill treatment amounting to a violation of Article 3 (**freedom from torture and inhumane or degrading treatment**). Article 2 (**right to life**) places a duty on the state to investigate suspicious deaths and deaths in custody. The Supreme Court judgment in Commissioner of Police of the Metropolis v DSD and another [2018] UKSC 11 makes it clear that under Article 3 of the European Convention on Human Rights, the police have a positive duty to investigate serious offences committed by an individual perpetrator (see **Worboys case**). Forces must consider this general duty when setting local force policies for the allocation and investigation of crime. Failure to do so may result in the force being held to account.

- Particular responsibilities may arise when there are specific types of people involved in an investigation. For example, section 11 of the Children Act 2004 places responsibility on policing in England to discharge responsibilities with regard for the safeguarding needs of children. Section 149 of the Equality Act 2010 creates the duty to promote good relations between protected characteristic groups and other groups.

Introduction

Actions taken during an investigation must be proportionate to the crime or incident. Investigation relies on policing by consent, and the support and cooperation of victims, witnesses and the community. Investigators must be impartial but must remain empathetic to the concerns and needs of all parties involved.

Every incident is unique. The following diagram sets out a consistent process to help investigators plan and conduct a robust and auditable investigation.

This process applies to all investigators and investigations. Where specific actions are associated with a particular role, these will be highlighted.

Purpose of investigation

When a crime or incident is reported to police, an investigator will:

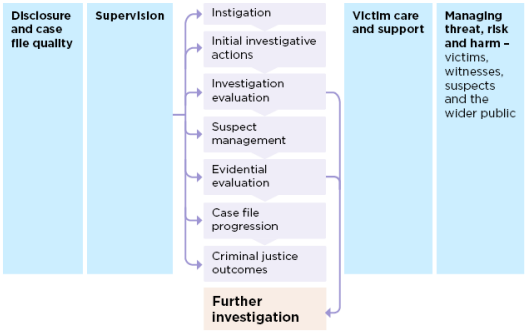
- ensure that threat, risk and harm are identified and managed (see vulnerability and risk guidelines)
- seek to identify a suspect or suspects and take effective action to address their behaviour
- secure and preserve evidence
- establish what happened
- obtain support and safeguarding for those involved who need it
- deliver criminal justice outcomes where appropriate
- identify opportunities to disrupt or prevent future criminal activity

Phases of an investigation

The following diagram summarises the phases of an investigation, which are:

- disclosure and case file quality

- supervision
- investigation – including instigation, initial investigative actions, investigation evaluation, suspect management, evidential evaluation, case file progression, criminal justice outcomes and further investigation
- victim care and support
- managing threat, risk and harm – victims, witnesses, suspects and the wider public



Instigation

Role of the person receiving a report

A report may be made about a crime or incident in a number of ways including online or to a call handler, to front counter staff, an officer or a police community support officer (PCSO) on patrol.

The **Home Office Crime Recording Rules** states that, when making a complaint, victims should be believed for the purposes of recording a crime, unless it is clear at that point that the incident did not happen.

The person taking the report will need to carry out investigative actions to establish what has happened, what further police actions might be necessary and the urgency for those actions. Even when a person has very limited investigative responsibility, the first actions will help to set the speed and direction of the investigation. They must do the following.

- Gather as much information as possible, for example:
  - who is involved (victims, witnesses and suspects), including accurate descriptions
  - what has happened

  - where it has happened
  - when it happened and whether the suspect is still at the scene
  - why and how the incident has happened, although the latter points may be unclear at this stage

- Undertake an initial assessment of risk or harm (for example, THRIVE – threat, harm, risk, investigation, vulnerability and engagement), provide first aid advice, and/or ensure immediate safeguarding activity is instigated if required. Take particular care where a child is involved. See **Voice of the Child** practice briefing.
- Identify witnesses and provide advice to secure any immediate evidence that might otherwise be lost.
- Undertake relevant intelligence checks to identify repeat victims or suspects. Consider course of conduct offending – for example, domestic abuse, coercive control or harassment.
- Ensure that the report is properly recorded.
- Notify a supervisor and/or take advice if required.
- Consider proportionate next steps, such as:
  - deploying a resource
  - referring for further investigation
  - referring to intelligence systems or partner agency
  - no further action (NFA)

- Make a risk-based assessment to determine the initial response (see also **Initial engagement**).

First investigative steps

The first chance to obtain material may also be the last. The speed of investigative action and the deployment of resources to a scene will increase the chance of protecting, preserving or gathering material that may otherwise be contaminated or lost. It may also improve the chances of identifying and apprehending the suspect earlier.

The person taking the report, undertaking the initial investigation and deploying resources should instigate the following investigative actions:

- secure or preserve evidence, or provide advice to the person making the report, for them to do so
- deploy resources or call for additional resources to undertake or support the initial response

- ensure intelligence is passed to those responding and/or investigating to ensure that they have all available information to hand
- advise those responding whether the suspect is still at the scene or is easily locatable, so they can consider whether an arrest is proportionate and/or necessary

See also **Golden hour** and **Fast-track actions**.

Some investigations may be suitable for a desk-based investigation and may not require attendance by a police officer or by police staff. In other cases, the first attending officer may be the only resource needed and they will be the lead investigator throughout the enquiry. In some cases, however, an incident may escalate to a **major or critical incident**, or may be part of a wider situation requiring additional police resources.

For further information, see also:

- **Dealing with sudden unexpected death**
- **Categories of unexpected death investigations**
- **APP on Managing effective investigations**
- the **Record keeping** and **Disclosure** sections of this APP

Crime and incident recording

All crimes and incidents reported to the police must be recorded in an auditable manner. Information gathered will be retained and managed on police recording systems as **police information**.

See also:

- **Home Office Crime Recording Rules**
- **National Standard for Incident Recording**
- **APP on Information management**

Allocation

Prioritisation and allocation of crimes for deployment and/or investigation are subject to local force policy. However, decisions about which individual or team investigates a particular crime should consider the:

- impact on the victim
- seriousness of the offence
- complexity of the investigation

Some crimes may have been considered less serious in policing. This may be, for example, because the sentence on conviction is low or there is no apparent physical impact on the victim. These crimes, however, can still have a profound effect on the victim because of the nature of the offending. For example, persistent behavioural aspects, may make them more serious than they initially appear. They may also indicate a higher risk of future harm and may be precursors to more serious offending.

For example, indecent exposure is often graded as low-priority when considering the risk of harm. This means that allegations may not be taken seriously or investigated as effectively as other types of sexual offending that include physical contact. Recent cases, such as R v Couzens 2021, and literature reviews, such as that of McNally and Fremouw (2014), suggest that these offenders can present a higher risk of repeat and more serious offending than the initial offence suggests.

When assessing and grading allegations of indecent exposure and other crimes, such as initial reports of stalking or domestic abuse, it can be helpful to:

- understand offending behaviour
- consider whether a particular person, location or community was targeted
- consider whether the incident is the latest in a series that may not have been reported

Where a suspect is identified, it is important to consider whether they hold a position of trust, such as a police officer or teacher, or voluntary roles connected with religious institutions or sports clubs. Further assessment of risk may be necessary in these cases due to the risk of abuse of power and/or access to vulnerable groups.

See McNally MR and Fremouw WJ. (2014). ‘Examining risk of escalation: A critical review of the exhibitionistic behavior literature’. Aggression and Violent Behaviour, 19(5), pp 474–485.

Initial engagement

First responses to allegations of crime have the potential to identify offenders and address their behaviour, to reduce other forms of risk of harm, and to enable the immediate identification and

recovery of evidence.

The police response to an incident should be proportionate and appropriate. Early attendance may help to secure material that might be lost to the investigation if attendance is delayed. However, attendance may not be appropriate in every case. Victims, witnesses and suspects should be dealt with fairly and courteously because this is likely to increase their satisfaction with police action.

All staff who engage with victims and witnesses have an investigative responsibility to gather material and to secure and preserve evidence.

The first attending officer should:

- obtain an initial account from all victims and witnesses at the scene where possible (see our **Obtaining initial accounts** guidelines)
- provide reassurance and advice to those involved, including identifying vulnerability, managing risk and instigating safeguarding procedures where necessary and appropriate

First attending officers must also take effective steps, where appropriate, to:

- preserve life and prevent harm
- **preserve scenes**
- secure material
- identify **victims and witnesses**
- identify – and where appropriate, arrest – **suspects**

Deployment to a live incident

Officers deployed to a live incident are likely to have several additional demands placed on them when they arrive at a scene and will need to take effective action to address the risks of harm that arise. These may include:

- dealing with situations involving threat, risk or harm (for example, violence)
- providing first aid and calling for medical assistance
- reassuring victims and witnesses, identifying vulnerability and safeguarding requirements, including considering protected characteristics and ensure reasonable steps are taken to support the individual in the specific circumstances

- preventing public disorder
- keeping supervisors and control room informed
- coordinating activities of colleagues

Where people, such as children, are involved in an incident, the officers must avoid causing or increasing the risk to those people – for example, by identifying to the suspect who called the police, or by failing to put in place safeguarding measures when a carer is arrested.

Vulnerability and safeguarding

Identifying vulnerability and instigating safeguarding must be a primary concern when an incident or crime is reported, particularly where children are involved. Any activity to safeguard victims and witnesses should be reviewed regularly throughout any subsequent investigation. Dynamic risk assessments should be undertaken at key points in the investigation.

An effective investigation is fundamental to safeguarding. Similarly, safeguarding is central to an effective investigation. Many crimes will involve abuse and exploitation of people who are less able to look after themselves. Offenders will seek to take advantage of vulnerable people or will create vulnerability to enable abuse. Effective investigations will focus on the behaviour of the suspect to build understanding of how a victim’s vulnerability was exploited and/or created.

Identifying risk of harm and effective safeguarding must take into account observations of the victim. This is more than just seeking their views. It is listening and, where appropriate, responding to what they want and need, involving them in what happens and explaining the decisions made, understanding their motivations and showing empathy.

The risk of harm can come from unexpected places, depending on the type of offending, or on other factors – for example, other family members.

Investigators should be familiar with:

- local information-sharing protocols with partner agencies
- referral pathways
- risk assessment and management processes for safeguarding adults and children

For further information, see:

- **Vulnerability-related risk guidelines**
- **APP on Adults at risk**
- **APP on Investigating child abuse and safeguarding children – Police response to concern for a child**
- **General advice on safeguarding (Social Care Institute for Excellence)**

Initial investigative actions

Investigations should be conducted using professional curiosity. Investigators should conduct a suspect-focused investigation, taking previous offending history and behaviours into account. They must impartially follow all reasonable lines of enquiry to gather material that points both towards and away from a suspect.

Investigators should avoid focusing on the behaviour of the victim, particularly in those cases where a vulnerable person has been exploited or abused. The intention is that victims are believed and benefit from statutory entitlements under the Code of Practice for Victims of Crime. This seeks to ensure that those reporting crimes will be treated with empathy and their allegations will be taken seriously. Any investigation that follows is taken forward impartially to establish the truth.

See also **Evidence-led prosecution**.

Those responding to crimes or incidents must do the following.

- Take responsibility for the initial investigation (see also **Jurisdiction and ownership**).
- Ensure that all initial investigative actions (including identifying and, where appropriate, arresting the suspect if known) are started, progressed and recorded. This should include **disclosure considerations**, evidence retention and **building a case file**. This should be an iterative process throughout the investigation.
- Start an investigation management document. It will help to manage some important aspects of case management, such as identifying reasonable lines of enquiry, proportionate decision making and disclosure decisions. An investigation management document template can be found in the **e-Disclosure and Redaction Knowledge Hub group** (you will need to log in to Knowledge Hub and request to join the group).
- Ensure that the Code of Practice for Victims of Crime requirements are met. Complete and maintain a victim needs assessment.

- Review safeguarding requirements.
- Provide a comprehensive handover to an investigator or specialist unit to progress, where appropriate.

Identifying and gathering material

The CPIA Code of Practice states:

> *Material may be relevant to an investigation if it appears to an investigator […] that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having an impact on the case.*

The amount of material that will be available during an investigation will depend on, for example:

- whether the incident or crime is planned or opportunistic
- the seriousness of the offence(s) and the overall scope and scale of the criminality involved
- the number of people who may be directly or indirectly associated with the victim or suspect

Investigators should gather all available material where possible, gathering in a way that maximises its evidential value and admissibility. They should pay particular attention to digital material that may be available.

Investigators should speak to a supervisor or crime scene investigator if they are unsure how best to do this.
The investigator must follow all **reasonable and relevant lines of enquiry** and take positive action, supported by the **national decision model**, to gather as much material as possible.

To do this effectively the investigator should:

- develop an effective investigation plan
- identify and gather all available material
- examine the material
- record and collate the material
- evaluate the progress of the investigation, including proving or disproving **hypotheses** and identifying any additional **reasonable and relevant lines of enquiry**

Investigators should constantly evaluate and re-evaluate the material they gather, whether that points toward or away from a suspect. Investigators should apply professional curiosity in all cases.

Jurisdiction and ownership

It is important that forces and investigators know who is responsible for investigating a crime, particularly where jurisdiction and/or ownership may be unclear.

Section G of the **Home Office Crime Recording Rules** states that when a crime is reported, the crime recording location will be determined by the location of the suspect at the time they committed the offence. This will also usually determine which police force will be responsible for conducting the investigation.

There are exceptions to this rule. See section G of the **Home Office Crime Recording Rules** for further information.

In some cases, it may not be clear which force should investigate a crime, or further crimes or allegations – for example, a breach of bail conditions. This may be because, for example, the victim:

- lives outside the force area where the offence was committed
- may have moved to a place of safety in another force area

If a call taker or investigator believes that a crime should be recorded and/or investigated by another force area, they must contact that force, on behalf of the reporting person, to ensure that recording and ownership of any subsequent investigation is agreed.

Acceptance of ownership must be confirmed in writing by the receiving force before the case is transferred to them. Prompt investigation should not, however, be delayed because agreement has not been reached. This is particularly important when there are urgent investigative needs or there is a significant risk of harm.

The person reporting and/or victim should be updated about which force will be responsible for the investigation and for any further action.

Linked series crimes

While linked series offending may often be associated with major crime, it is also common in other types of offending, such as serious acquisitive crime. Individuals or gangs may commit multiple offences across multiple forces, requiring a collaborative and proactive approach to detect and prevent this type of offending.

A force that identifies a series of linked crimes should make early contact with other affected forces to share information and intelligence. It is important to deconflict activity between forces to avoid the risk of duplicating or overlapping investigative actions, which could potentially undermine a successful criminal prosecution.

Where appropriate, a strategic lead force should be identified and agreed, supported by a memorandum of understanding, to provide strategic oversight and decision making. Consideration should also be given to appointing an officer in overall command to set investigative strategy and prioritise investigative actions.

For further information on identifying and managing linked series offending, as well as deconflicting activity between forces, see NPCC. (2021). '1.5: Linked series investigations'. In: **Major Crime Investigation Manual**. p 39.

Golden hour

The golden hour is the period immediately following the report of an offence or incident, when positive action should be taken. This may include protecting, preserving or gathering material that may otherwise be concealed, lost, damaged, altered or destroyed. Effective action during the golden hour will increase the opportunity to identify suspects, protect victims and witnesses and help to secure positive criminal justice outcomes. Everyone involved in investigating a crime or incident must help to:

- preserve life
- secure material
- minimise the amount of material that could be lost to the investigation
- maximise the chance of securing material that will be **admissible in court**

Every member of police personnel – for example, first officer on the scene, lead investigator or crime scene investigator – will have their own golden hour opportunities specific to their role. The golden hour principle will also apply to the discovery of any new scene, arrest of suspect or other

key activity that has a time-critical implication – for example, CCTV opportunities.

Golden hour considerations

Area	Considerations

Victims, witnesses and suspects	• Identification. • Risk assessment. • Safeguarding. • Support, such as a family liaison officer or sexual offences liaison officer. • Sensitively preserve and gather **initial account** and material (for example, clothing, forensic samples and digital opportunities) as appropriate. Consider use of body-worn video (BWV) for initial accounts. • Use sensitive, non-accusatory and impartial language. • Use communication enablers to support victims and witnesses, such as interpreters, intermediaries, and appropriate adults. • Consider victims' rights under the **Code of Practice for Victims of Crime**, and conduct a victim needs assessment. • Consider community impact and reassurance. • Consider and record contextual background to situation, such as the demeanour of parties involved and the circumstance of the victim, suspect and any dependents (consider BWV). This may include the condition of their home environment, the overall welfare of the parties involved, previous calls for service, previous offending history and/or intelligence. • Where the suspect is not already known, take steps to identify, trace, investigate and evaluate persons of interest. • See **APP on Working with suspects**.

Scenes	• Identify, preserve (prevent contamination) and gather (where appropriate) material. Where material is exposed to the elements – such as footmarks in mud, or blood stains – take steps to preserve or protect pending recovery.
	• Assess and commence crime scene log.
	• Consider:
	  • entry and exit routes
	  • escape routes
	  • cordons
	  • forensics (including digital forensics)
	  • exhibits
	
	• Remember that victims, witnesses and suspects are also scenes. Take steps to avoid contamination – for example, take victims and suspects to different police buildings and keep contact officers with each group separate. See also **APP on Scene strategy**.

Records	• Record decisions with rationale, circumstances (using professional curiosity to provide background detail, see the 'family and community' section of this table) and what is known (including 999 recordings and call taker notes). • Witness first account given, description of suspects. • Identify risks or threats. • Consider use of incident management log, decision log, scene log, exhibits log and passive data, such as **digital images** and BWV.
Physical evidence	• Identify, preserve and gather physical and digital evidence – including use of crime scene investigators, digital media investigators, forensic evidence, use of early evidence kits, digital and passive data, CCTV and documentary evidence. See also **APP on Forensics** and **Closed Circuit Television (CCTV) initial training level one** (you will need to log in to College Learn). • Consider proportionality and relevant powers. See **APP on Investigative strategies – Scene strategy** and **Physical evidence**.

Intelligence	• Identify and use police, community and open-source intelligence to inform risk and threat assessment, decision making and investigative lines of enquiry.
Lines of responsibility	• Identify, inform, brief and coordinate, as appropriate. • Consider escalation to the appropriate line management or team. • Consider relevant authorities for powers – for example, search and/or seizure, and use of the Police and Criminal Evidence Act 1984 (PACE) powers and identify authorising officers as appropriate.

Family and community	• Consider cultural and community factors, including:
	  • the protected characteristics of involved parties
	  • communities where cultural practices may exist, such as so-called honour-based abuse and female genital mutilation
	  • language and communication
	  • neurodiversity
	
	• Consider the safety of those at the scene (for example, cordons and safeguarding actions).
	• Identify a critical incident and escalate, if appropriate.
	• Consider engagement with force media department.
	• Consider specific duties under **Children Act 2004, s 11** and **Equality Act 2010, s 149**.

Fast-track actions

These are actions that, if pursued immediately, may help to establish important facts, identify the suspect, preserve evidence or lead to the early arrest and resolution of the investigation.

Fast-track actions may require additional or specialist resources to be completed within the golden hour period (or as soon as possible thereafter).

Investigators should consider the following fast-track actions.

Victim and witnesses

- Identify **victims and witnesses**.

- Identify status – for example, significant, vulnerable, intimidated.
- Consider victim and witness threat assessment and safeguarding.
- Consider forensic opportunities.
- Start development of a **victimology**, if appropriate.

Location

- Identify crime scenes (consider protection and recovery).
- Conduct initial searches, if appropriate (consider access and exit routes, places where offender may have been).
- Crime scene assessment and forensic examination.
- Identify CCTV and passive data opportunities.
- Exploit golden hour considerations, including digital opportunities.

Suspect

- Identify suspects.
- Consider forensic opportunities.
- Identify intelligence opportunities.
- Identify digital opportunities.
- Establish possible motives.

See also **APP on Investigative strategies**.

The above is not an exhaustive list. Additional actions, including media appeals and community impact considerations, should also be considered.

Reasonable and relevant lines of enquiry

The investigator must pursue all reasonable and relevant lines of enquiry, whether these point towards or away from the suspect (**Code of Practice for CPIA**).

What is reasonable in each case depends on the circumstances. For example, the investigator must decide whether it is reasonable and proportionate to enquire into material held on a digital device, and in what manner. See **Attorney General's Guidelines on Disclosure – GOV.UK**, **Extraction of Information from electronic devices: Code of Practice** and **Extraction of material from digital devices**.

If there is dispute over what is believed to have taken place, it may be a reasonable and relevant to look for additional witnesses and/or other material.

The investigator must record their decision-making and supporting rationale to support effective disclosure and case management.

Example

If four out of five witnesses report that the suspect was in a red car and the remaining witness contradicts this, the investigator should not assume that the majority are right and one is wrong. The inconsistency must be investigated, and the exact colour of the suspect's car must be confirmed.

Remember to apply the ABC approach to material and evidence to ensure the collection of best evidence: 'Assume nothing, Believe nothing, Challenge everything'.

Remember:

- review – consider reasonable and relevant lines of enquiry
- record – decision making, recover material and make enquiries
- retain – material in a durable format and/or copy
- reveal – schedules of used and unused material to the prosecutor

Early advice

Investigators should initially seek advice from supervisors.

Early consultation with the Crown Prosecution Service (CPS) is advised in more complex cases following a supervisory review, to consider whether:

- the advice is necessary
- the timing is appropriate
- the relevant supporting material is available
- there is potential for the Full Code Test to be met, based on the evidence available

This process and the advice may help to identify points to prove, new lines of enquiry and specific areas where additional material may be needed to support a realistic prospect of conviction. Specific advice is also available from specialist prosecution units (for example, rape and serious

sexual offences).

See also:

- **Director of Public Prosecutions (DPP) guidance on charging decisions 2020, section 7.5**
- **APP on National decision model**
- **Investigative evaluation**
- **Evidential evaluation**

Record keeping

Effective record keeping provides a transparent, accountable and auditable record of all actions and decisions made during the course of an investigation. This record should be comprehensive and unambiguous.

It will:

- inform further investigative decision making and **investigative evaluation**
- underpin information given to victims and/or their families
- underpin **disclosure**
- enable supervisors to effectively assess the quality of the investigation
- identify meaningful information that can be developed to intelligence
- facilitate the handover of the investigation
- record the rationale for key decisions, such as the decision to take NFA
- be subject of scrutiny during any subsequent criminal case, inquest or review

See also:

- **APP on Managing effective investigations**
- **Obtaining initial accounts guidelines**

Disclosure

Investigators must comply with the **Criminal Procedure and Investigations Act 1996** and associated **Code of Practice for CPIA**.

The process of disclosure is an ongoing obligation that starts when the investigation begins and continues throughout.

Investigators must:

- pursue all reasonable and relevant lines of enquiry, whether these point towards or away from the suspect
- identify all **relevant material** (whether or not it is in the investigator's possession)
- record, retain, review and reveal the material to the defence via the CPS prosecutor

Relevant material also includes any unused material generated during the investigation – for example, pocket-book entries, call taker or interpreter notes – or any other material that does not form part of the prosecution case.

See also:

- **APP on Prosecution and case management**
- **Attorney General's Guidelines on Disclosure – GOV.UK 6th Edition**
- **DPP guidance on Charging**
- **Extraction of material from digital devices**

Investigative supervision

Investigators and investigations should be subject to effective and proactive supervision at regular intervals throughout the investigation and at key milestones, such as suspect identification, bail, those released under investigation (RUI), case management, pre-charge advice, charging decision, use of other **criminal justice outcomes** or the decision to take NFA.

As a minimum, reviews should be undertaken in line with the timescales prescribed for victim updates (see the **Code of Practice for Victims of Crime**), and local force policy for updating suspects on case progression (for example, bail or RUI).

The priority review actions may change depending on the progress of the investigation.

During the initial stages of an investigation, the supervisor should do the following as a minimum.

- Review the investigator's caseload.

- Support the investigator to identify and plan their investigation focusing on suspect behaviour, including resources, priorities and proportionality.
- Consider material gathered to date, including BWV footage and evaluate proposed lines of enquiry.
- Where the incident involves unexpected death:
  - identify whether the cause of death has been established
  - confirm that the case has been allocated appropriately
  - consider advice from the on-call senior investigating officer and crime scene coordinator
  - consider relevant lines of inquiry

- Identify and test, where appropriate, relevant hypotheses.
- Review action taken to assess and manage risk, including safeguarding of victims and witnesses.
- Review victim and witness strategies, considering additional support for vulnerable, intimidated or significant witnesses. Ensure appropriate support has been put in place, and compliance with the **Code of Practice for Victims of Crime**.
- Review the victim needs assessment
- Consider suspect status, bail or RUI, risk assessment (including risks posed by and to the suspect) and relevant support.
- Assess and direct disclosure compliance.

In addition, supervisors should also consider reviewing the following, as appropriate, and at key milestones:

- the investigative plan, in light of developments and new information
- the maintenance and updating of records
- the identification of further lines of enquiries and investigative strategies
- investigative and evidential evaluations
- whether the case is ready to be referred to the CPS for a charging decision, for example consider evidential robustness and public interest
- compliance with local and national policies and guidance
- effective and proportionate use of resources
- critical incident management and escalation, where necessary

See also:

- **Effective supervision guidelines**

- Conducting effective investigation guidelines

Investigative evaluation

Investigative evaluation involves assessing the relevance and reliability of material gathered in an investigation. What does it tell the investigator? What does the investigator know and what does the investigator still need to know? Such evaluation enables review of the lines of enquiry and should be conducted throughout the investigation. The evaluation process set out below provides a standard model that will help the investigator to evaluate material in a consistent, structured and auditable format.

The process will review previous actions and enquiries, will help to identify new lines of enquiry and will highlight any missed or outstanding actions. An analyst can help this process in complex investigations.

The evaluation process may need to be repeated several times throughout an investigation.

Evaluation process

To effectively evaluate an investigation the investigator should take the following steps:

Set objectives for the evaluation

During the initial stages of investigation, these are likely to be broad to establish the following questions.

- Has a crime been committed?
- Who is the victim?
- Are there any witnesses?
- Where or what is the scene?
- Can a suspect be identified?
- What material can be gathered?

As the investigation progresses, these objectives will narrow and focus on key questions potentially about specific people of interest, such as the following.

- Description – does the individual fall within the suspect parameters?

- Availability – was the individual available to commit the offence within the time parameters?
- Physical links – can the individual be linked to the crime through articles removed from or left at the scene?
- Forensic links – can the individual be linked to the crime through forensic science techniques, including using digital media?
- Passive data links – can the suspect(s) be linked to the crime through CCTV, financial information, computer-based electronic evidence and customer information?
- Identification links – can the individual be linked to the crime through victim or witness identification?
- Intelligence links – is there intelligence linking the individual to the crime?
- Behavioural links – is there anything about the individual's previous behaviour that may link them to the crime?

Gap analysis matrix

See the following gap analysis matrix or **download it as an editable Word document**.

	What is known	What is not known	Conflicts	Consistencies
Who				
What				
When				
Where				
Why				
How				

Filter the material

Relevance

Material will come from a number of sources, including victim and witness statements, exhibits and images, intelligence reports, lists of active offenders in the area and forensic science reports. A forensic science expert, including a digital forensic expert, may be able to offer advice and support in prioritising evidence for examination.

A wide view should be taken of relevance. Material should only be excluded as irrelevant (or unused) after careful consideration and/or consultation with a supervisor, disclosure officer or a crown prosecutor.

If in doubt, investigators should always include the material, as a decision to exclude as irrelevant may later be called into question in any subsequent proceedings.

Officers should not confuse relevance with the test for **disclosure**. The disclosure test requires material to be disclosed to the defence if it might reasonably be considered capable of undermining the case for the prosecution or assisting the case for the defence. Disclosure is a key consideration throughout the investigation and should be regularly reviewed.

For further information, see **Part I of the CPIA** and the **Joint Operational Instructions for the Disclosure of Unused Material**.

See also:

- **Extraction of material from digital devices**
- **College Learn disclosure package (you will need to log in)**

Reliability

Investigators must avoid making judgements about the reliability of the material based on victim or suspect factors, such as lifestyle, previous offending history or associates.

The best evidence is primary or first-hand evidence, such as an eye-witness account. Investigators should always look for independent corroboration of an account or material to increase its reliability.

The following may help investigators to determine the reliability that can be given.

- If it can be corroborated by an independent source, it may be more reliable
- If it can only be corroborated by, for example, a partner, spouse, relative or close associate, it may be less reliable.
- If it cannot be corroborated and conflicts with other material, it may also be less reliable.

Where the source is a suspect, investigators should keep in mind the rules on bad character (see **APP on Investigative interviewing – Bad character evidence**). In certain circumstances, previous offending behaviour may be relevant to the current investigation.

Investigators should not rely solely on a single account and should look for alternative material to support or corroborate the account or the reliability of the source. This may include material from an independent source, evidence of good character, or evidence that the source has been consistent in their account over time.

See also:

- **Circumstantial evidence**
- **Bad character evidence**
- **Evidence-led prosecutions**

Admissibility

Not all material gathered during an investigation will be admissible as evidence. Investigators must know what makes evidence admissible and circumstances where evidence may be inadmissible. See **APP on Investigation introduction – Admissibility** for further information.

Investigators must gather as much material as possible in an admissible format. Where the investigator is not sure how to do this, they should ask a supervisor or a crown prosecutor for advice.

Understanding the source of the material and planning how that material should be gathered will maximise the amount of material that will be admissible as evidence.

Organise the knowledge

By using the 5WH formula (who, what, when, where, why and how) and the filters described previously (**relevance**, **reliability** and **admissibility**), investigators can identify whether there are

any gaps in the material and/or what action is needed next. For example, additional lines of enquiry to corroborate existing information or identify new material, pre-charge advice or a decision to charge. For example:

- What has happened?
- Where did the offence take place?
- Who are the victim(s) and witnesses?
- When did the offence take place?
- Are there any incidents that may be relevant based on location, offence or time?
- How was the offence committed? Consider skills or knowledge used by the suspect – for example, cyber skills and software required to commit offences online, specialist tools or detailed knowledge of a location (points of entry and exit).
- Who is the suspect, or is there a description or other material, which may help to identify the suspect?
- Are there any characteristics about the victim that may suggest why they were selected or other motivation – for example, hostility, vulnerability or gender?
- Has there been previous offending that matches the victim, location or motivation profile?
- Is there evidence of planning or does the location and/or the victim appear to be random?
- Are there characteristics about the location that may be significant – for example, crime hot spot, business premises, lack of security?

This list is not exhaustive but illustrates the way in which the material can be organised.

Building hypotheses

A hypothesis is a supposition or proposed explanation based on limited evidence as a starting point for further investigation.

Another way of describing it is building a scenario that best explains the available material.

Initially, several hypotheses may fit the available material and known facts.

Before deciding to use hypotheses, the investigator must consider the following questions.

- Has sufficient material been gathered?
- Do I understand the material?

- Are there lines of enquiry that have not yet been pursued and that could generate additional material?

Developing alternative hypotheses from the same material may:

- identify further lines of enquiry
- test alternative interpretations of material gathered

This process is useful because it will help to guide the investigator's decision-making. It is also a useful way of anticipating the interpretation that may be put on material in court.

Testing hypotheses

As material is gathered, this may demonstrate that some hypotheses are wrong and that a particular hypothesis is correct.

Example

Jewellery is stolen during a burglary and the suspect is arrested because of fingerprint evidence. However, the jewellery is not recovered following a search of the suspect's home.

The investigator developed several alternative hypotheses to determine what has happened to the jewellery:

- sold to a third party
- hid it in an undisclosed place
- disposed of it (for example, threw it away or broke it down to make different items)
- it is being held by an accomplice
- the victim is exaggerating their loss
- the suspect is not responsible and the fingerprint results from legitimate access

The investigator generates lines of enquiry, which will help to prove or disprove the hypotheses – for example, visits to second-hand jewellery dealers, appeal via social media, enquiries with relatives or associates, interrogating intelligence systems.

The material gathered through these additional lines of enquiry confirms that the jewellery was sold at a car boot sale. This will discount all other hypotheses.

Decision support

Support is available to the investigator to test their interpretation of the material or the potential hypotheses, including the following.

- Self-review – investigators should thoroughly check their work and review any assumptions they have made during the evaluation process.
- Peer review – checks by supervisors or colleagues provide a second opinion on the interpretation of material or hypotheses.
- Expert review – where investigators use material produced by experts, such as forensic scientists, they should consult the expert to ensure that the outcome of the evaluation is consistent.
- Formal review – in complex cases, a suitably qualified officer can carry out a formal review of the investigation.

Further investigation

The investigator should develop and/or review their investigative plan, based on an evaluation of the material gathered to date. It should include the following.

- Specific objectives for the investigation focusing on suspect behaviour and previous offending. These will depend on the unique circumstances of the offence or incident and the material that has been gathered.
- **Investigative strategies**, lines of enquiries and specific actions that will be used to achieve those objectives, including **victim, witness** and **suspect management**, and disclosure of material.
- Consideration of resource requirements for the investigation. It is the investigator's responsibility to ask for the resources they need (allocation of resources will be assessed against the expected benefits and proportionality).
- Consideration of how the investigation will be bought to a successful conclusion – for example, a charging decision or other criminal justice outcome.

Evidence-led prosecution

Victims may be reluctant to **attend an interview, provide a statement or support an investigation** for a number of reasons. This may include intimidation and fear, shame, coercion or the impact of trauma. In some cases, they may not recognise or acknowledge that they have been

the victim of abuse or that a crime has taken place. In these cases, an evidence-based (victimless) prosecution should be considered.

The reasons why a victim may choose not to support an investigation should always be recorded. Consideration should be given to how the victim or witness can be supported to provide evidence. While the victim may not choose to support an investigation, the investigator must consider the threat of future harm, taking into account the risk of harm to the public. Ultimately, the police are the decision makers in these cases.

Victims must be treated sensitively and clearly signposted to sources of support. Their confidence may be improved if the process of the investigation is explained, if it is unlikely the case will rely on their account alone, and if other sources of material (lines of enquiry) will be pursued.

Victims should be kept up to date with the progress of the investigation, as required by the **Code of Practice for Victims of Crime**, and should be given the opportunity to change their mind to support the investigation at any time during the investigation.

See also:

- **Victim care and support**
- **APP on Working with victims and witnesses**

When planning an evidence-led prosecution, the investigator should look for sources to progress the investigation. This may include:

- initial accounts
- witness accounts
- BWV
- social media posts from friends, family and associates
- suspect enquiries
- forensic opportunities
- digital device examination
- third-party material – for example, the victim may have confided in a doctor, social worker, school, work colleagues or therapist
- evidence and intelligence obtained via lawfully authorised covert tactics (advice should be sought from the Force Covert Authorities Bureau)

It is important that allegations of criminal activity are investigated effectively, irrespective of whether the victim supports the prosecution or not. This will help prevent re-offending and bring offenders to justice.

Possible allegations of false complaints

While some false allegations may be malicious, some may be a cry for help or support, or masking more serious offending that the individual is unable to disclose. Just because something cannot be proved, doesn't mean it didn't happen. Careful consideration is needed to understand the motivation of the person making the complaint.

Where an investigation identifies a false allegation, it may be?appropriate to?support a prosecution for attempting to pervert the course of justice.

In all cases investigators should ensure that all steps are taken to evaluate the material gathered, corroborate accounts and establish an accurate picture.

Victim care and support

Investigators must recognise that people deal with violence and other troubling events in different ways, and that every victim of a crime or incident should be treated as an individual and with sensitivity. They should be reassured that their allegation will be taken seriously and that they will be supported throughout any subsequent investigation. A victim care strategy should take account of what the victim wants and needs to ensure they feel able to continue to support the investigation.

The behaviour of the victim should not undermine their credibility or the seriousness of the allegation.

A **victim needs assessment** identifying any vulnerabilities should be undertaken. This will inform detailed interview planning and the provision of additional support and special measures, which will help officers to support the victim and allow them to give their best evidence. It should be reviewed and updated throughout the investigation.

Victims must be supported during the investigation, including pre-trial engagement and preparation. Any relevant risks must be managed and a safeguarding strategy must be implemented to:

- identify and address any ongoing risks to victims or other potential victims
- develop a support plan to **retain victim engagement** in the investigation

Ongoing victim care and support may be delivered by other agencies or charities after the investigation has ended. Investigators should consider appropriate referrals.

For further information see:

- **Obtaining initial accounts guidelines**
- **APP on Investigation – Working with victims and witnesses**
- **APP on Prosecution and case management – Victim and witness care**
- **Achieving Best Evidence – trauma section**

Code of Practice for Victims of Crime

Investigators should be familiar with rights provided to victims under the **Code of Practice for Victims of Crime**. Victims have the right to:

- be able to understand and to be understood
- have the details of the crime recorded without unjustified delay
- be provided with information when reporting the crime
- be referred to services that support victims and have services and support tailored to their needs
- be provided with information about compensation
- be provided with information about the investigation and prosecution
- make a victim personal statement
- be given information about the trial, trial process and the victim's role as a witness
- be given information about the outcome of the case and any appeals
- be paid expenses and have property returned
- be given information about the offender following a conviction
- make a complaint about rights not being met

Victims may also be eligible for enhanced rights, where they should be updated sooner and may be eligible for special measures. See **Victims' Code of Practice – Enhanced rights**.

Suspect management

Identification, arrest and searches

Investigators must pursue all reasonable and relevant lines of enquiry, whether they point towards or away from a suspect.

See also **APP on Working with suspects – Identification of suspects**.

Suspect management must also consider the vulnerability of the suspect, the risk to the suspect from others and the impact on the suspect's family, particularly children. This may require the investigator to develop and implement a specific risk management and safeguarding plan for the suspect and their family.

See:

- **APP on Detainee care – Children and young persons**
- **APP on Mental health – Suspects with mental ill health and vulnerabilities**
- **APP on Detention and custody – Suicide prevention and risk management for perpetrators of child sexual exploitation and indecent images of children (IIOC)**
- **APP on Mental health – identifying vulnerability to suicide**
- **Deceased suspect or suspect dies during the investigation**

The police should always arrest when it is necessary and proportionate to do so. In making this decision, investigators should consider:

- the risk of harm posed by the suspect to victims, witnesses or members of the public
- the risk that they may abscond or commit further, or more serious, offences
- the risk they may conceal, damage, alter or destroy material
- the opportunity to identify new lines of enquiry resulting from the arrest – for example, the opportunity to search a suspect's premises or to take biometric data following an arrest

See:

- **APP on Investigative strategies – Search powers, and obtaining and executing search warrants**
- **APP on Investigative interviewing – Necessity to arrest**

Voluntary attendance may be a more appropriate and/or proportionate course of action in some cases. This may be more proportionate to the offence under investigation and may reduce the risk of stigma associated with an arrest.

When considering whether it is appropriate to offer voluntary attendance investigators should consider necessity to arrest under **PACE Code G**.

See also:

- **APP on Working with suspects – Arrest strategy**
- **APP on Engagement and communication – Respecting suspects' rights to privacy**
- **APP on Engagement and communication – Arrests, charges and judicial outcomes**

Previous offending

The first time a suspect is arrested for an offence may not be the first time they have offended. It is important that the investigator explores the suspect's previous offending history to understand the methods that may have been employed in the current investigation. Investigators should also take this into account when considering bail or RUI for the current offence, and/or the appropriate outcome or when requesting a remand or charging decision.

Effective use of intelligence and data analysis may help to identify similar modus operandi cases and linked series offending. Identifying linked series offending may help to corroborate material or intelligence in the current case or provide evidence of bad character. It may also provide positive outcomes for previously unsolved cases and may lead to an increased sentence where the suspect is convicted.

Suspect or victim

Not all suspects will be offenders and an apparent suspect may, in some cases, be a victim. Where there is any doubt about the suspect's status, advice should be sought from supervisors and/or an interview adviser.

Interviewing

Where a person is suspected of committing an offence, **Guidance 10A of Code C of the Codes of Practice to the Police and Criminal Evidence Act 1984** requires that 'there must be some

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

Suspects must be interviewed under PACE, using the PEACE model of investigative interviewing (planning and preparation, engage and explain, account clarification and challenge, closure, evaluation). The interview provides the suspect with the opportunity to provide an account, potential alibis and defences. The suspect interview will also help investigators to identify new lines of enquiry.

See also:

- **APP on Investigative interviewing**
- **APP on Investigative interviewing – Voluntary attendance**
- **APP on Investigation – Working with suspects**

Pre-charge engagement

Following the first PACE interview and before the suspect is formally charged, the parties to an investigation – the investigator(s), the CPS, the suspect, and the suspect's legal adviser – may enter into voluntary pre-charge engagement.

It may take place whenever it is agreed between the parties that it may assist the investigation.

Pre-charge engagement should not, however, be considered a replacement to a further interview with a suspect. Investigators and prosecutors should be conscious that adverse inferences under section 34 of the Criminal Justice and Public Order Act 1994 are not available at trial where a suspect failed to mention a fact when asked about a matter in pre-charge engagement.

Pre-charge engagement may, among other things, involve:

- giving the suspect the opportunity to comment on any proposed further lines of inquiry
- ascertaining whether the suspect can identify any other lines of inquiry
- asking whether the suspect is aware of, or can provide access to, digital material that has a bearing on the allegation

- discussing ways to overcome barriers to obtaining potential evidence, such as revealing encryption keys
- agreeing any keyword searches of digital material that the suspect would like carried out
- obtaining a suspect's consent to access medical records
- the suspect identifying and providing contact details of any potential witnesses
- clarifying whether any expert or forensic evidence is agreed and, if not, whether the suspect's representatives intend to instruct their own expert, including timescales for this

Pre-charge engagement is encouraged by the Code for Crown Prosecutors and may have an impact on decisions as to charge.

For further information, see the **Attorney General's Guidelines on Disclosure**.

Contact strategy

Investigators must explain the investigation process to the suspect and keep them informed of the progress of the investigation.

This should include providing:

- the expected or anticipated finish date of the investigation
- 28-day updates on progress
- where applicable, an NFA notification at the conclusion

This mirrors the victim's rights under the **Code of Practice for Victims of Crime**. See **Operation Kentia** for further information.

Bail and released under investigation

Following the arrest of a suspect, it may be necessary to conduct **further investigation**, before submitting the file for a decision to charge or pursuing **another outcome**. The investigator must gather as much material as possible, which points **towards or away** from the suspect prior to arrest.

Where additional investigation is needed, the investigator must decide whether **pre-charge bail or RUI** should be imposed. Pre-charge bail and RUI form part of a wider toolkit, with safeguarding and ancillary orders to protect the public, keep victims and witnesses safe, and bring offenders to

justice.

In making a decision, the investigator must consider the circumstances of the case, the seriousness of the offending, the potential risk of re-offending, the need to support and protect victims and witnesses, and the safety of the public (particularly those who may be vulnerable or at risk of harm).

Where the suspect poses a risk to others, there should be a presumption in favour of imposing pre-charge bail where it is proportionate and necessary to do so.

In addition to conditions attached to pre-charge bail, further **restrictive orders** may be appropriate – for example, investigators may apply for a domestic violence prevention notice (from a senior police officer) or order (Magistrates' court), or a sexual risk order.

Police powers and orders should be considered to support an effective investigation and to reduce the risk of harm posed by the suspect. All restrictive orders must balance the human rights of the suspect against the human rights of victim or potential victims.

Whether the suspect is released under RUI or bail, the process must be managed and the suspect must be regularly informed of progress.

Victims must be regularly updated in accordance with their needs, and their rights in the Code of Practice for Victims of Crime. They must also be notified of the suspect's status and of any key changes – for example, any conditions imposed, a decision to take NFA or when a decision to charge has been made, as part of their rights.

See also:

- **APP on Detention and custody risk assessment – Release from custody**
- **Victim care and support**
- **APP on Investigation – Working with suspects**

Case file preparation and management

At the conclusion of an investigation, the investigator must either submit the case to the CPS for a charging decision or consider whether an alternative outcome, such as restorative justice, is more appropriate. In some cases, there may be insufficient evidence for further action.

Investigators must be able to demonstrate that they have identified and followed all reasonable lines of enquiry. They should expect to be able to explain all the circumstances of the case, what they did – and did not do – and why.

What is ‘reasonable’ will depend on the case. A fair investigation does not mean an endless investigation. Investigators must be able to define and explain the scope of their investigation. When assessing what is reasonable, investigators can seek advice from supervisors and the CPS.

When gathering material, a properly completed investigation management document will help investigators set out what is reasonable and proportionate. An investigation management document template can be found in the **e-Disclosure and Redaction Knowledge Hub group** (you will need to log in to Knowledge Hub and request to join the group).

This principle can also be used to help investigators set out the wider circumstances of the case. This includes background and context, such as the victim’s account, as well as evidence that points both towards and away from the suspect, alibi and identification evidence.

Full and accurate record keeping is essential.

Investigators and supervisors should ensure that all records have been fully completed and that there are no unresolved lines of enquiry within the case file. This may include outstanding reports from forensic examination, incomplete house-to-house enquiries, or unresolved or conflicting identification issues.

The principles of case and document management are set out in the **Major Incident Room Standard Administration Procedures (MIRSAP)**, and should be applied to all case development – in particular, serious and complex cases.

A prepared investigator who has used a methodical and systematic approach to record keeping during the investigation and file preparation will be able to withstand scrutiny.

Pre-charge advice

In some cases, pre-charge advice with the CPS may help to identify any remaining weaknesses in the evidential case prior to asking for a charging decision. The CPS prosecutor can review points to prove and may be able to suggest where further evidence is required to support a realistic prospect

of conviction. In some cases, they may also help to identify new lines of enquiry. Specific advice is available from specialist prosecution units, such as for rape and serious sexual offences.

See also **Referral to the CPS for Pre-charge advice**.

Evidential evaluation

The purpose of this evaluation is to ensure that a robust case is presented to the CPS for a charging decision.

The evaluation will consider:

- the overall strength of the case
- whether sufficient evidence exists against the offender to proceed to charge

Unlike investigative evaluation, only material that is potentially admissible as evidence should be considered. However, the process is the same.

The investigator should ensure that the review is recorded and that it forms part of the case file and any future investigative strategy, together with early advice or a pre-charge decision where appropriate. See **Charging (The Director's Guidance) – sixth edition, December 2020, incorporating the National File Standard**.

A supervisor should review the case and consider whether it is ready for a charging decision, whether further action is required or whether an alternative outcome should be considered.

Additional information

The investigator should also ensure that a victim personal statement and community impact statement is included, as well as additional contextual background to the case and circumstances.

A comprehensive assessment of the victim’s needs should form part of the case file to identify and inform a request for special measures where appropriate.

For further information see:

- **APP on Working with victims and witnesses – Victim personal statement**
- **CPS guidance on Community impact statements**

- **CPS guidance on Special measures** and **APP on Domestic abuse – Victim safety and support** (restraining orders)
- **APP on Prosecution and case management – Charging and case preparation**

Criminal justice outcomes

Not all cases will result in a conviction. There are a number of alternative criminal justice options available that can be considered as an alternative to court.

In some cases, an out-of-court disposal or restorative justice may provide an equitable justice outcome for the victim. As part of a wider safeguarding strategy, however, investigators must consider the victim's safety and any ongoing risk an offender may pose. This may require other interventions to safeguard the victim, such as civil orders.

When exploring which justice outcome may be appropriate, the following factors should be considered (this list is not exhaustive):

- public interest (**see APP on Prosecution and case management – Charging and case preparation**)
- circumstances of the case, including impact on and views of the victim
- substance misuse and/or mental health of the suspect
- potential ongoing coercive control of the victim by the suspect while in custody
- admissions of guilt
- previous convictions – for example, first offence
- gravity of offence

Victim's right to review

Where a case is referred to the CPS for a charging decision, but the CPS decide not to charge a suspect or stop a prosecution, the victim has a right to review in certain circumstances.

See:

- **Victims' Right to Review (VRR) scheme**
- **Child Sexual Abuse Review Panel (CSARP)**

Out of court resolutions (disposals)

Having checked local force policy for out-of-court disposals, the investigator should discuss and agree options with a supervisor and seek advice from local CPS.

See **APP on Prosecution and case management – section on Out of court resolutions (disposals) framework**.

Restorative justice

Restorative justice provides victims with the opportunity to explain the impact of the crime committed against them by the offender. It encourages offenders to take responsibility for what they have done and take steps to make amends.

See:

- **APP on Prosecution and case management**
- **Restorative justice council**
- **College of Policing Evidence Briefing on Restorative Justice**

Community resolution

Community resolution may be considered for a less serious offence or anti-social behaviour incident. Community resolution can be applied to youth and adult offenders.

See also:

- **National Police Chiefs' Council (NPCC) Community resolutions guidance 2022**
- **APP on Prosecution and case management**

Protective measures and civil orders

Protective measures and civil orders are interventions aimed at preventing harm and mitigating risk, both of which underpin a safeguarding approach to protect victims. Breaching a civil order constitutes a criminal offence. Imposing an order should focus on the suspect’s wider offending history and context. Civil orders are intended to act as a deterrent to the perpetrator and to keep victims safe.

Investigators should be aware that civil orders can be obtained without the involvement of a criminal court, and this might mean that policing is not made aware of its existence in a timely way. Civil orders may be used to support the victim where there is insufficient evidence to pursue a criminal justice outcome and can be included as part of restorative justice or community resolution.

The option of applying for a civil order to provide a safeguarding outcome for the victim should be considered by the investigator and should form part of the investigative review discussion with supervisors where appropriate. Options include:

- **domestic violence protection notice and order**
- **stalking protection order**
- **non-molestation order** (prohibits an abuser from using or threatening physical violence against, intimidating, harassing, pestering or communicating with the victim)
- **restraining order, dealt with by the criminal court**

For further information, see:

- **Violence against women and girls toolkit – Protective measures and civil orders**
- **APP on Domestic abuse**
- **APP on Stalking or harassment**
- **Disrupting serious and organised criminals – Menu of tactics**

Ancillary orders

Ancillary orders are a mechanism to provide protection for victims and for those to whom offenders may provide an ongoing threat. They can be imposed by the judge as part of sentencing at criminal court. In specific circumstances, ancillary orders are mandatory. For example, where an offender is found guilty of dangerous driving, they must be disqualified from driving for a minimum of 12 months. The court must also stipulate that the offender takes an extended retest before their licence is returned.

In other circumstances, the judge or magistrate may decide that ancillary orders are appropriate and may be used to:

- redress harm caused by an offender (for example, compensation orders)
- prevent repeat victimisation (for example, criminal behaviour orders)

- prevent future re-offending (exclusion orders)

Investigators should consider ancillary orders as part the case file management. The potential for their inclusion can be discussed with the prosecutor ahead of the case file submission to the CPS.

Ancillary orders available include:

- compensation orders
- confiscation orders (crown court only)
- criminal behaviour orders
- deprivation orders
- disqualification from driving
- disqualification from being a company director
- drink banning orders
- financial reporting order
- football banning orders
- forfeiture orders
- parenting orders
- restitution orders
- restraining orders
- serious crime prevention order (crown court only)
- sexual harm prevention orders

For further information, see **CPS Sentencing – Ancillary orders**.

Asset recovery

Investigators should be aware of the purpose, opportunity and application of asset recovery.

The aim of asset recovery is to make best use of the **Proceeds of Crime Act 2002 (POCA)** to disrupt crime and reduce the harm caused to communities. There are four different types of asset recovery:

- cash seizure
- confiscation
- civil recovery

- tax

For further information, see **APP on Investigative strategies – Asset recovery**.

Court process

Investigators need to ensure that victims and witnesses are briefed on court process.
Following a charging decision, the case will be passed to the relevant prosecuting authority, usually the CPS, to prosecute the case in a court of law.

Offences can be categorised as:

- **summary offences**
- **indictable offences**
- **either way offences**

See **APP on Prosecution and case management – Hearing and trial management**.

Victims and witnesses may be required to give evidence during a trial. This can be presented in different ways, including:

- orally in person, as witness testimony
- remotely via a video live link
- pre-recorded evidence in chief

To support a victim or witness to give their best evidence, they may be entitled to special measures and/or to be supported by a witness supporter, intermediary or interpreter.

An aspect of the victim's evidence will be a victim personal statement. In some cases, a community impact statement may also be submitted.

Investigators may be required to attend court during the trial. They may need to answer questions for the CPS prosecutor or barrister. In some cases, they may also be required to give evidence in court as a witness about the investigation and/or evidence.

During the court process, investigators should ensure that the victim is appropriately supported and a risk assessment is carried out, and safeguarding strategy implemented, particularly where the

defendant and/or their family or supporters may come into contact with the victim during the trial.

See also **APP on Investigation – Working with victims and witnesses**.

Conviction

Where the defendant is found guilty of an offence, the court has various sentencing or other disposal options available to them.

These include:

- **community sentence**
- **fines**
- **custodial sentence**
- **offences taken into consideration**
- **deferred sentence**
- **conditional discharge (suspended sentence)**
- **absolute discharge**

See **APP on Prosecution and case management – Hearing and trial management**.

In some cases, investigators should consider whether further sanctions should be applied for, such as:

- recovery of proceeds of crime
- gang injunctions
- sexual harm prevention order
- domestic violence prevention order

See **Criminal justice outcomes**.

Investigators must take into account whether the offender may appeal against their conviction or sentence.

Acquittal

If the court finds the defendant not guilty, they will be acquitted and free to go.

However, it is important to consider the impact that the criminal justice process and the outcome may have had on the victim and/or the defendant.

If the victim is not present in court for the verdict, the investigator should ensure they are notified as soon as possible to avoid them finding out by other means.

In cases of murder involving an acquittal, National Standards of Support (NSS) have been agreed between Justice after Acquittal (JAA), the police and the CPS. The NSS include that:

- the CPS will offer a post-acquittal meeting with the victim's family
- the CPS and police will both conduct an acquittal case review
- the CPS will offer a meeting with the victim's family where cases have been referred to the CPS to consider an appeal to re-try the defendant (double jeopardy)
- the case will be subject to ongoing review
- the police and CPS will monitor compliance with the NSS

Post-trial victim care

Following a criminal justice outcome, including acquittal, the victim may suffer from a variety of emotions, including a sense of anti-climax, trauma, survivor guilt or fear of reprisals.

The investigator must ensure that the victim is provided with access to support services and, where necessary, that a risk assessment is carried out or reviewed, and appropriate interventions are implemented.

Investigators should also consider whether anyone else connected with the case may be at risk of harm following criminal proceedings and take suitable action to assess and mange such risk.

Even where a defendant has been given a custodial sentence, investigators must consider risks posed by the defendant's family, friends or associates.

The victim should be notified if there is any change to the defendant's status, including release under licence, parole hearings or release.

If a defendant is released into the community for any reason, the victim's safety should be assessed, and safeguarding measures should be considered.

See:

- **Offender management**
- **Code of Practice for Victims of Crime**

Compensation

Investigators should inform victims of violent crime that they can apply for compensation for physical or mental injury. This may be awarded either through a court order or through the Criminal Injuries Compensation Authority.

See **APP on Prosecution and case management – Compensation** for more information.

Post-trial defendant care

Where a defendant is acquitted, investigators should consider the impact that the criminal justice process may have had on the defendant and their family.

Where appropriate, the defendant must be signposted to support services and a risk assessment must be carried out for vulnerable defendants where they may be at risk of suicide and/or mental ill health.

See also **APP on Detention and custody – Risk of self-harm and suicide after release**.

Offender management

The investigator should explain to a victim of crime how the offender may be dealt with following a criminal investigation.

A sentence imposed on an offender may involve:

- community service
- a custodial sentence
- released on licence (offender manager allocated and conditions applied until a specific date – failure to comply may mean return to prison)
- a suspended sentence (conditions applied and failure to comply usually results in sentence length being served in prison)

The **Probation Service** has responsibility for sentence management in England and Wales, with additional responsibility for accredited programmes, unpaid work and structured interventions. The regional networks provide support services, such as wellbeing, employment and housing advice to help reduce reoffending.

Offenders are managed according to the level of threat, risk and harm they pose.

For further information, see **APP on Prosecution and case management** and **APP on Managing sexual offenders and violent offenders**.

Management of case papers and exhibits

Following a trial, whether it is a conviction or acquittal, the investigator is responsible for the review, retention and disposal of evidence, material and exhibits in line with the management of police information and **CPIA**.

The Code of Practice on Police Information and Records Management (PIRM) 2022 sets out seven principles for effective police information management. This Code replaced the Management of Police Information (MoPI) Code of Practice 2005. It broadens the applicability of the original MoPI Code beyond records that contain police operational information to include police corporate information. For the purposes of the Police National Computer (PNC) and Law Enforcement Data Service (LEDS), the operational data that is recorded is also covered by the PIRM Code

For further information, see:

- **APP on Information management**
- **APP on Review, retention and disposal**
- **APP on Managing effective investigations**

Tags

Investigation