

# Working with suspects

Working with burglary suspects, including offences taken into consideration, case preparation and bail.

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The professional management of a suspect in police custody, pre- and post-charge, is important to the investigative process. Investigators must maximise every opportunity to gather material that points towards or away from the suspect. They should also identify intelligence.

## Actions for investigators

Investigators should do the following.

- Before interview, be fully briefed about all available intelligence relating to the suspect, including bad character evidence.
- Deal with suspects named during the interview process as live enquiries, and make all efforts to arrest them as soon as possible after their identity becomes known.
- Arrange for identification procedures to be carried out while the suspect is in custody if possible, rather than bailing them, including examination of footwear and forensic markers.
- Brief victims and witnesses early to enable them to participate in identification procedures.
- Consider burglary suspects as potential covert human intelligence forces (CHIS). They should be interviewed after charge by suitably trained officers from a dedicated source or intelligence unit.
- Carry out early liaison with evidence review officers or supervisors, who should review all case files (pre- and post-charge), to check file quality and content is of an acceptable standard for submission to Crown Prosecution Service (CPS).
- Collect biometric samples (DNA) from prolific offenders, using [Police and Criminal Evidence Act 1984 \(PACE\)](#) DNA kits with a barcode starting '96' or higher. This will reduce the likelihood of having to re-take evidential samples at a later date. For further information, contact your forensic team or see the [FCN \(2021\) DNA Good Practice Manual](#) (you will need to log in to Knowledge Hub). Consider other relevant samples as required.
- Fast-track section 18 and section 32 PACE searches. This highlights the importance of data quality in crime reports, custody records and other documentation to enable efficient searches to be undertaken.

- Consider early search, seizure and analysis of mobile devices, focusing on location data that may indicate the suspect was at or near the scene. Images and social media posts taken at or after a burglary could show stolen property, clothing or other relevant information.
- Check seized property against the National Mobile Property Register (NMPR) or other relevant property registers.

## Offences taken into consideration

Taken into consideration (TIC) is an opportunity for suspects to admit previous similar offences prior to charge.

They may do this to get a 'clean slate' for some or all their previous offending. It also allows the court to deal with more than the offence they were arrested for. The court will take these additional offences into consideration when sentencing the offender.

Police officers are entitled to interview suspects for offences other than those that resulted in the initial arrest or allegation, as long as there are reasonable grounds for suspecting the offender's involvement in those other offences.

TIC is a legitimate way of achieving positive outcomes for outstanding investigations. It is endorsed by the Home Office National Crime Recording Standard (NCRS).

## Aims

The aim of a TIC is to:

- increase victim satisfaction
- increase public confidence
- support the intelligence picture
- ensure integrity of the TIC process
- ensure legislation is complied with
- be ethical and accountable
- increase positive outcomes for previously undetected crimes

The use of TICs also acknowledges an individual's right to a fair trial under Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

Suspects should be informed that if further offences do come to light after charge and conviction, individuals are likely to be arrested on completion of their current sentence to be dealt with for the further offences.

## Benefits

The benefits of using TICs are as follows.

- It provides positive outcomes for victims of crime and the suspect has been brought to justice.
- It provides an outcome to undetected crimes, increasing positive disposals, narrowing the justice gap and increasing public confidence in the administration of justice.
- Where there is evidence of guilt, it offers a cost effective and convenient way to record an admission of guilt without preparing witness statements or a full trial bundle. It also reduces anxiety for victims who may otherwise have to go through the court process.
- It offers suspects the opportunity to make a confession of all their offences so they know there will be no outstanding matters against them when they complete their sentence for the current offence. They can make a fresh start, without fear of being arrested as they leave prison (a 'gate arrest').

## Arrests based on forensic evidence

Rapid notifications of forensic hits to a designated single point of contact (SPOC) can provide opportunities for an early arrest. Arrest packages should be allocated and actioned as soon as practicable. Time limits for actioning positive forensic hits should be put in place and managed.

## Case preparation

Once suspects are identified and processed through custody, the compilation of a case file can sometimes be seen as a separate exercise. All the processes need to be coordinated so that a professional case file can be submitted. This can be done by:

- ensuring that there is early liaison – including a case conference – with the CPS lawyer to highlight and discuss any evidential difficulties in the case
- including information on previous breaches of bail or orders, such as drug treatment and testing orders

- when a handling offence is the only charge, considering use of section 27 (3) of the Theft Act 1968, which allows for previous convictions for theft and handling to be admitted as evidence
- where a suspect is being charged for offences of dishonesty, including burglary, using section 98 of the Criminal Justice Act 2003 to introduce previous convictions
- include evidence of bad character, including propensity to commit offences of the kind with which they are charged (see [APP on Investigative interviewing – Bad character evidence](#))
- ensuring victim impact statements are properly completed
- ensuring consideration has been given to available sentencing powers and orders to prevent or reduce repeat or future offending

In addition to any other sentence, the courts also have the power to make a deprivation order relating to property used in the commission of an offence under section 153 of the Sentencing Act 2020. This will target tools or other property that were lawfully seized from the offender or were in the possession of the offender at the time of their arrest.

## Remand and bail

Following charge, officers should consider stringent and appropriate bail conditions or seek to detain a person in custody pending appearance at court. Once a suspect is released on bail following charge, it is unlikely that a court would remand that suspect in custody unless there was evidence of witness interference or other behaviour to interfere with the course of justice.

The following should be considered for court bail.

- Application for secure remands for persistent young offenders.
- The Bail (Amendment) Act 1993, which can be used to appeal a magistrates' court decision to grant bail for those who have previously been charged or convicted with an offence punishable by imprisonment, including burglary and theft offences.
- If bail is granted, apply for conditions to be set, including curfews, intensive supervision, non-association and tagging.
- Ensure that bail conditions are monitored and enforced.
- An appropriately briefed police officer attends court on the suspect's first appearance to support the CPS.
- Using offender management units to provide information on previous breaches of bail.

# Tags

Neighbourhood policing   Investigation