

O52 Evidence Based Investigation Tool

Linked Standard Operating Procedures

None

1. Summary of Changes

1.1. This is a new policy which was first published on 20 February 2018.

2. What this Policy is About

2.1 This procedure relates to the application and use of EBIT (Evidence Based Investigation Tool) in the preliminary stages of certain criminal investigations.

2.2 EBIT is a statistical tool which relates the presence of certain key evidential factors in some types of criminal investigation, to the probability of a positive investigative outcome.

2.3 The weighting given to those evidential factors is derived from a statistical study of a sample of reports recorded in the year 2016.

2.4 The purpose of EBIT is to ensure the most efficient use of limited police investigative resources by relating the decision to investigate certain categories of reported crime to the viable lines of enquiry which exist.

2.5 The EBIT assessment does not involve a subjective exercise of judgement by the inputter. The outcome is determined purely by the facts of the case. Whilst a negative assessment gives a high degree of confidence that a positive outcome to an investigation is very unlikely, a positive assessment, in itself, is not evidence that an allegation is true, or that a suspect is guilty. Allocated investigations should be conducted in the spirit of dispassionate and professional objectivity.

2.6 EBIT has no bearing on the obligation to record a crime which arises under the Home Office Crime Recording Standards.

2.7 All recorded crimes will be investigated. The data required to complete an EBIT assessment is intended to focus the initial stages of an enquiry upon the key evidential issues which can be shown to impact upon the eventual outcome.

Compliance with this SOP and any governing policy is mandatory.

3. Detail the Procedure

3.1 Scope of the Policy

3.1 EBIT is an investigative triage tool based on the analysis of past offences recorded as common assault; assault by beating; assault occasioning actual bodily harm involving only minor injury; and public order offences recorded under sections 4, 4A & 5 of the Public Order Act 1986.

3.2 Offences classified as Domestic Abuse and Hate Crime were excluded from the crime sample used to derive the evidential factors which inform the EBIT assessment.

3.3 EBIT cannot reliably be applied to crime types which fall outside the original sample, and should therefore not be used to assess reports of domestic violence, or property/acquisitive crimes such as theft and criminal damage.

3.4. Application Of EBIT

3.4.1 Offences within the scope of EBIT will be reviewed by a Detective Sergeant or Supervisor in the Investigation Management Unit following preliminary investigation by an officer attending an incident or enquiries made by telephone with a person reporting an offence.

3.4.2 In some cases the application of EBIT to a crime report will be unnecessary or unsuitable. Examples include instances in which: an arrest has already been made; an officer specifically requests the allocation of the case; it is plain that there are no lines of enquiry and the reviewer is content to file the matter at his/her personal discretion.

3.4.3 If there are no similar special circumstances, an EBIT assessment will ordinarily be performed before a case is allocated to divisional staff for reactive investigation.

3.4.4 The recommendation resulting from an EBIT assessment is not binding on the supervisor who performs the assessment. As a matter of policy, however, a negative assessment gives rise to a presumption that the case will not usually be pursued.

3.4.5 The IMU supervisor retains the discretion to allocate the case based on professional judgment irrespective of the EBIT assessment. Where this discretion is exercised, the supervisor should briefly explain their reasons.

3.4.6 Following a negative EBIT assessment, the IMU supervisor will complete a secondary public interest evaluation, the purpose of which is to identify special factors relevant to the case which might influence the case disposal.

3.4.7 The existence of one or more public interest factors gives rise to no obligation to allocate the case. A decision to allocate contrary to the recommendation of the EBIT assessment is an exercise of discretion on the part of the IMU supervisor.

3.5. EBIT Process

3.5.1 Where the decision is taken to file a report following EBIT assessment, the victim should be updated by the responsible IMU supervisor.

3.5.2 It should be explained to the victim that: in the interests of an efficient and effective service, it is not possible to pursue every allegation; the allocation of a case for further investigation is determined by the evidence available; the force uses a standard assessment process based on a study of past cases; this takes account of eight key issues, such as the presence of witnesses, CCTV, forensic evidence and the willingness of the victim to give

evidence.

3.5.3 The result of the EBIT assessment and the explanation of the process to the crime victim, where applicable, should be noted on the crime report enquiry log by the relevant supervisor.

3.5.4 If a victim is dissatisfied with the outcome of the EBIT assessment process, he/she should be notified of the review process.

3.5.5 EBIT is an assessment tool, the use of which is mandated by policy following the completion of preliminary enquiries. A decision to file a case in line with the EBIT assessment shall not be construed as a failure to investigate for the purpose of the police complaints procedure, providing the assessment has been properly performed.

3.6. Review Process

3.6.1 In the first instance any expression of dissatisfaction shall be referred to the first available IMU Detective Inspector, who will review the case and the EBIT assessment within 48 hours.

3.6.2 The relevant Detective Inspector may allocate any case reviewed at his/her discretion. The victim should also be updated directly as to the result of any such review. The Detective Inspector should also explain that: the use of EBIT is a matter of policy; it is necessary for reasons of efficiency; it achieves more consistent standards of decision making; objective tests suggest cases allocated outside the framework have an exceptionally poor prospect of a positive outcome in court.

3.6.3 If a victim remains dissatisfied, a letter should be sent to them in a standard format (Appendix 1) explaining the process followed, the reasons for it and their further options.

4. Equality impact assessment

4.1. An Equality Impact Assessment has been carried out and shows the proposals in this procedure would have no potential or actual differential impact on grounds of race, ethnicity, nationality, gender, transgender, disability, age religion or belief or sexual orientation.

5. Risk Assessment

5.1. This SOP has been assessed as having a low potential risk.

6. Consultation

- Professional Standards Department
- Force Control Room
- Force Crime Registrar
- Police Federation
- Unison
- HR
- IT Security
- Equality and Diversity
- Health and Safety
- Legal

- Finance
- Estates
- Supts Association
- Crystal Clear
- KNOW

7. Monitoring and Review

7.1. This policy will be reviewed every two years with the next review taking place in February 2020.

8. Other Source Documents

- Police Standards of Professional Behaviour
- College of Policing - Code of Ethics Summary

9. Security

9.1. Kent Police have measures in place to protect the security of your data in accordance with our Information Management Policy (Policy W1000 – Information Management).

10. Retention and Disposal of Records

10.1 Kent Police will hold data in accordance with our Records Review, Retention and Disposal Policy (Policy W1012 – Records Review, Retention and Disposal).