

Professional Committee Agenda

1. Administration

Date:	12 th December 2018	Time:	11:00 to 14:00 Lunch:12.30	Loc:	Grange Wellington Hotel, 71 Vincent Square, London, SW1P 2PA
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2. Agenda

No.	Item	Lead
1	Minutes and Actions of the Previous Meeting <i>The previous meeting took place on 29th August 2018</i>	Chair
2	Priorities for College guideline Development	Nerys Thomas
3	Workforce Transformation Implementation Support	Simon Nickless
4	Appropriate Personal Relationships and Behaviours in the Workplace	CC Julian Williams
5	Sir Tom Winsor HMICFRS Update on Force Management Statements	Sir Tom Winsor
6	HMICFRS Hate Crime Report	David Tucker
7	Early Harassment Notices	David Tucker
8	APP on post incident procedures (PIP) to be adopted following a death or serious injury (DSI) subsequent to police contact (DSI PIP)	Richard Bennett
9	Operation Hydrant Guidance	David Tucker
10	<u>To Note:</u> a) Neighbourhood Policing Guidelines	Richard Bennett

No.	Item	Lead
	b) College Business & CDG Update c) Chief Constables' Council Update	Mike Cunningham Sara Thornton
11	Any Other Business	

3. Attendance

Members	
Name	Organisation
Mike Cunningham	College CEO (Chair)
Giles York	Professional Development & Integrity Community Chair
Andy Rhodes	Organisational Development Community Chair
Belinda Goodwin	Police Federation of England and Wales
Jo Strong	Police Federation of England and Wales
Sarah Johnson	Police Federation of England and Wales
Dave Bamber	Police Federation of England and Wales
Ian Miller	Association of Special Constabulary Chief Officers
Paul Griffiths	Police Superintendents' Association
Sara Thornton	NPCC
Nick Ephgrave	NPCC
	CPOSA
Non-Voting Members	
Dan O'Mahoney	NCA
Cat McIntyre	APCC
Andrew Tremayne	APCC
Helen Ball	Metropolitan Police
Val Harris	Metropolitan Police Trade Union Side
To present items:	
Sir Tom Winsor	HMIC
Simon Nickless	Senior Police advisor, Office of CEO

Members	
Name	Organisation
Nerys Thomas	Knowledge, Research and Practice Lead, Knowledge, Research and Practice
CC Julian Williams	Gwent Police
██████████	Education and Professional Development Lead
David Tucker	Crime & Criminal Justice Faculty Lead
Richard Bennett	Uniformed Policing Faculty Lead
Other Attendees	
Rachel Tuffin	Director of Workforce Transformation
Bernie O'Reilly	Director of Organisational Delivery and Change
Jackie Smith	College Board Member
██████████	Professional Development & Integrity Faculty Lead
Kevin Nicholson	Firearms Specialist advisor
██████████	Chief of Staff
Harbinder Dhaliwal	Secretariat Lead
Helen Elderfield	Governance Manager
Faye Bosworth	Secretariat
Jayshree Vekria	Secretariat
Gill Sims	Senior Practice Developer, Knowledge, Research & Practice
Apologies:	
██████████	Uniformed Policing Community Chair
Stephen Mold	Northamptonshire Police and Crime Commissioner
Caryl Nobbs	Unison
George Hamilton	PSNI
Simon Cole	NPCC
Alex Duncan	Police Federation of England and Wales
Hayley Aley	Police Federation of England and Wales
██████████	Police Service of Northern Ireland

Date, time and venue of next Professional Committee meeting: 12th February 2019,
Location: TBC

2019 Meeting Dates

13th June 2019, Location: TBC

3rd September 2019, Location TBC

10th December 2019, Location TBC



Name of meeting: Professional Committee
Date of meeting: 12 December 2018
Item lead at meeting: Nerys Thomas
Agenda item number: 2
Title of paper: **Priorities for College guideline development**

1. Issue

- 1.1. The College has undertaken work to identify the perennial problems in policing where action is needed to drive improvement for the public. This paper sets out these broad thematic areas which have informed priorities for guideline and standard setting activity over the next 5 years. There is recognition that the thematic analysis could also be used to inform wider College priorities.

2. Recommendation

- 2.1. Professional Committee is asked to:

A. Note the identified issues and **approve** the suggested priority areas for guidelines.

B. Agree the issues identified should be used to inform wider College **and policing** priorities.

3. Summary

- 3.1. One of the College's functions is to set standards of professional practice, drawing on the best available evidence. To date, the College has been reactive to the requests of the service or other stakeholders such as HMICFRS in where it develops guidance. To facilitate longer term planning about how best to support the service, the College is proposing a 5 year guideline development schedule, intended to deliver 2-3 evidence based guidelines per year. When published, the schedule will also provide an increased level of transparency about our planned work and will be routinely reviewed to ensure it remains current.
- 3.2. To inform the development of the guideline schedule, a programme of research has been undertaken, including thematic analysis of inspection reports, interviews with Chief Constables and focus groups with frontline and supervisory staff. The research seeks to identify the '*perennial problems*' in policing where action is needed to drive improvement for the public across a range of contexts, rather than for a particular crime type or operational area of policing. This approach is aimed at supporting practitioners in developing the professional skills to enable them to respond to current, new and unforeseen challenges.
- 3.3. The research identified 10 recurring problems where improvement is required, summarised at Appendix **A**. The analysis identified a number of contributing factors to each of these problems which are summarised in the 'Influence Diagrams' attached at Appendix **B**. All the problems can be considered as 'systemic' problems i.e. requiring system wide solutions rather than those focused solely on the 'sharp end' (e.g the provision of training or guidance for the frontline).
- 3.4. The areas identified have been prioritised for guideline development according to the consistency with which they were raised across the different sources and stakeholders. (See Paragraph **4.3**). The College Executive believe the output from this work can be used to set

College priorities beyond guidance and propose using it to underpin the business planning process.

4. Supporting information / Consideration

4.1 The College has undertaken research to inform the development of a 3-5 year programme of guideline development. The research was designed to obtain a rounded view of priorities for improvement in, or support to, policing over the short to medium term. The research included:

- Thematic analysis of all national level Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) reports on policing published in the last four years and all force level Policing Effectiveness, Efficiency and Legitimacy (PEEL) reports published between March 2014 and October 2017.
- Review of the Independent Office for Police Complaints' own thematic analysis of its investigations.
- Interviews with 16 Chief Constables (or in a small number of cases their representatives) undertaken by independent consultants to understand current and future concerns and priorities.
- Two focus groups in each of 14 forces: one with constables and equivalent police staff; one with sergeants/inspectors and equivalent police staff. Again these were facilitated by independent consultants.
- Thematic analysis of 10 Police and Crime Plans.
- Reviewing relevant documents including: the 'Policing Vision 2025'; the transcript of the Parliamentary Home Affairs Committee's Policing for the Future Inquiry; the Home Office's Single Departmental Plan May 2018; published presentation material from policing conferences held in 2017; published surveys of police officers and staff including the College's membership survey.
- Reviewing published public opinion material about policing including IPSOS MORI's 2017 survey commissioned by HMICFRS and self-commissioned research from private research consultancies.

4.2 The research identified 10 'perennial problems' where improvement is required. These are summarised below and at [Appendix A](#) and their contributing factors summarised in the Influence Diagrams at [Appendix B](#).

- Risk Assessment and Management
- Supporting Vulnerable Individuals through the Criminal Justice System
- Collaboration/ Partnership Working
- Staff Wellbeing
- Using evidence in investigations
- Developing the workforce
- Professional and ethical conduct
- Analytical capability
- Crime prevention and long term problem solving
- Partnership working

4.3 While all 10 of these problems were considered of high or medium priority for both Forces and HMICFRS, high priority issues identified consistently by both, and areas where guidelines could have most impact, related to:

- Risk Assessment and Management
- Supporting Vulnerable Individuals through the Criminal Justice System
- Collaboration/ Partnership Working
- Staff Wellbeing
- Using evidence in investigations

- 4.5 Scoping work, as part of the guideline development process, would determine a more precise focus for guidelines in these problem areas. It is likely that a number of different guidelines might need to be developed in each thematic area.
- 4.6 Many of the issues identified through the research cannot be addressed through guidelines alone. The College also intend to use the findings to set priorities for the business to tackle the perennial problems identified.

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Author tel number: [REDACTED]

Sponsor: Nerys Thomas

Appropriate Personal Relationships & Behaviours in the Workplace

Guidance | What you need to know

1 This guidance is intended to raise awareness of the issue of appropriate relationships, how they can affect fairness in the workplace, and what each individual's personal responsibilities are to self-report any conflicts of interest. The guidance seeks to help our staff to understand whether a relationship is appropriate and ensure that this does not undermine public confidence or the ability of a force to deliver an effective and efficient police service.

Where the term 'relationship' is used, this has not been defined as it is accepted that a relationship can be different things to different people. This guidance is concerned with intimate or sexual relationships, rather than any other 'social' relationship.

This guidance should be read in conjunction with the Code of Ethics and the NPCC Significant Social Relationships Policy, which also addresses the potential impact at work of wider social relationships, such as with close friends or family.

This guidance is not intended to cover every situation that is faced, as every case must be determined on its own facts but sets out the broad principles to support decision-making and professionalism.

2 The purpose of the guidance is not to create a register of personal relationships or to be out-dated in our approach to this subject. If a conflict is created by the relationship, then it is important that this does not negatively impact on the work of the service or its reputation and assist those who are involved in the relationship.

3 It is imperative that all staff feel that they work in a fair, inclusive and transparent environment, where recruitment, promotion and development opportunities are merit-based and not as a result of any relationship.

4 The guidance applies to police officers, special constables, police staff and police volunteers. Guidance on Maintaining Professional Relationships with members of the public is available separately.

5

Workplace relationships and effective policing

Personal/sexual relationships often exist and develop between colleagues. There are many happy relationships that form within the policing family and consenting adults are entitled to form relationships and engage in lawful sexual activity.

Relationships must be conducted with complete professionalism in the work place or whilst on duty, in order not to impact negatively on service delivery or public confidence.

The potential for relationships to create an actual or apparent conflict of interest at work must also be considered by the individuals involved and will form part of line management considerations when deeming the appropriateness of these relationships (see section 7).

6

Appropriate workplace relationships

In determining whether or not a relationship with a colleague is appropriate, any negative impact on the legitimate aims of policing should be considered. The following factors could be considered in any assessment of appropriateness:

- a power imbalance is not used to initiate, control or maintain the personal relationship
- personal relationship activities occur off duty & outside the workplace. Physical and intimate relations do not take place on duty, or off duty on police premises including police vehicles
- the relationship does not have an adverse impact on the workplace e.g. by creating division and/or friction between those in the relationship or amongst work colleagues
- there is no fear, fraud or workplace benefit driving the relationship
- the relationship has no influence on workplace decisions or activities and is not being used to gain or provide some workplace advantage
- lines of reporting are not abused or compromised.

7

Avoiding conflicts of interest and reporting to line managers

Relationships or former relationships must not be allowed to impact adversely on conduct at work and thus on the ability of the service to achieve its legitimate aims.

If you think you have a relationship in the workplace that may create a conflict of interest or be perceived to create a conflict of interest, then approach a trusted supervisor or line manager and raise it with them. The supervisor or line manager can then make an assessment and explore options to manage the conflict in a sensible and proportionate way.

It is recognised that an officer or member of staff might be reluctant, for reasons of privacy, to make such a disclosure or alternatively might feel too embarrassed to do so. If the member of staff feels unable to report the conflict to their line manager for resolution, the conflict of interest should be reported to another line manager.

Where a former relationship causes an adverse impact/a conflict occurs, this should also be reported at the earliest opportunity.

If the individuals involved in the relationship do not believe that there is any conflict of interest, then no disclosure is required. If there is any doubt, then advice should be sought from a line manager.

The reason for making this disclosure is to ensure fairness for every officer/member of staff in all policing activities, including:

- line-management activity
- recruitment, promotion or selection processes, including tutoring, mentoring and coaching
- decisions relating to disciplinary, UPP or grievance procedures
- decisions relating to pay or remuneration, including overtime
- decisions regarding access to training or CPD
- decisions (e.g. deployment), that may lead to perceptions of unfairness by those involved in the relationship or by others.

8

Responsibilities of line managers

Managers must ensure that they sensitively and confidentially address the disclosure. They should consider:

- the nature of the relationship
- any evidence that it may cause a conflict of interest
- any reasonably foreseeable negative impact on the ability of the service to deliver its legitimate aims, i.e. service delivery, efficiency and effectiveness
- any reasonably foreseeable damage to public confidence / force reputation
- any reasonably foreseeable adverse impact in the workplace.

The National Decision Model & Code of Ethics will be used in these considerations. Where the relationship does not cause any concerns, then no further action will be taken.

Where a line manager believes that a relationship causes a conflict of interest or is inappropriate but has not been reported, then the manager should discuss privately and separately with the individuals concerned. This will allow the supervisor to make an assessment and explore options to manage the conflict in a sensible and proportionate way. Each case must be treated sensitively and on its own merits and fairly in accordance with police regulations and equality legislation.

Where faced with a relationship that does suggest an actual or apparent conflict of interest, then the manager should only take such actions that are necessary and proportionate to manage the identified risks. The needs and rights of the individuals concerned must not be compromised unless necessary to do so. Supervisors should exercise particular care when dealing with an LGBT relationship to prevent 'outing' any of the individuals concerned.

On occasions, it may be necessary to make changes to the working practices of officers or staff members whose relationships give rise to an actual or apparent conflict of interest. Where it is considered necessary and proportionate to take action, such measures might include:

- requiring officers or staff members to remove themselves from the decision-making process in relation to promotion/selection/discipline
- requiring officers or staff members not to work on the same shift together or requiring officers or staff members to no longer work in the same team
- in exceptional circumstances, redeploying one or both of the individuals based on a reasonable and documented consideration of all the facts in the case.

It is emphasised that this guidance should not be tool with which to take disciplinary action against individuals. Its purpose is to make the force's expectations clear to all individuals within the policing family.

It is stressed that this will only be a matter for professional standards' departments in extreme cases. For example, where a relationship exists which causes a conflict of interest and those individuals have continued the relationship and in some way benefited from it.

9

Relationships involving tutors, line managers and senior officers

Where an emotional or sexual personal relationship involves any power imbalance, such as with tutors, trainers, line managers and senior officers, then it will always have the potential for a conflict of interest. These relationships should be carefully considered by the individuals involved. Where a conflict of interest exists that would have an adverse impact on the service, the perception of the public of the service, or any individual, then this must be reported as advised above. Necessary and proportionate steps will be taken to ensure that the conflict is mitigated or other appropriate action taken depending on the facts of the case (for example re-allocation of a tutor, or change in line manager etc.).

10

Help & Advice

Further help in respect of this guidance is available from your HR representative.

11

Responsibilities

If you believe that a colleague may be involved in an emotional or sexual relationship that has the potential to result in a conflict of interest then there is a positive duty on you to report this matter.

Reporting can be to any line manager or via the confidential hotline or other route as described in the College of Policing “Reporting Concerns” guidance.

Supervisors and managers have a duty to ensure this guidance is followed and that appropriate action is taken where they become aware of any such relationship.

SUPPORTING EXAMPLES

Example 1:

A tutor-constable enters into a relationship with their tutee. Both are single but wish to keep the relationship private while they see whether or not the relationship becomes 'serious'. There is a potential conflict of interest here as the tutor is expected by the organisation to make impartial decisions regarding the performance and effectiveness of the officer they are tutoring. They need to be able to give objective feedback to assist in the professional development of the officer, but may not be able to be impartial given the nature of the relationship. In this situation the relationship should be reported in line with this guidance and consideration given to a new tutor being allocated or if, for example, the relationship has only just commenced and it is near the end of the tutoring period, consideration of assigning an additional suitable person to help ensure objective sign-off is achieved.

Example 2:

A Superintendent is having a relationship with an Inspector on a different division. It is a large force and they normally have no professional involvement, they actually met outside of work and have never worked together professionally, but they wish to keep the relationship private. They only meet up to conduct their relationship outside of work and never on police premises. Neither is in a sensitive post. At this stage, there is no apparent conflict of interest, and there is no need for either party to report the relationship. A few months later however, the Superintendent is successful at a promotion board and is moved to the same Division as the Inspector. At this point there is a potential conflict of interest with the Superintendent likely to be involved in decisions that will impact on the Inspector, and the relationship should be reported. This will then allow the force to decide whether to alter the postings, or consider any other ways to mitigate against real or potential future conflicts of interest.

Example 3:

An officer is in a long term relationship with a solicitor. Sometime into the relationship, the officer is given the role of Family Liaison Officer for a case where the solicitor is acting for the defendant in the case. The officer does not report the relationship as they do not want anyone in force to find out about it. The relationship is found out about some months later and reported to the force PSD. In this situation there is a potential conflict of interest which could have compromised a major investigation.

Example 4:

A senior officer conducts a promotion board where one of the applicants is the partner of someone (who they met completely outside of policing) that they have previously had a relationship with. The relationship has been over several months and they decide not to report this now through embarrassment. The officer passes the board but a few months later finds out about the historic relationship and reports it to PSD. There was clearly the potential for a conflict of interest in interviewing someone whose partner the interviewer had had a relationship with. It is immaterial whether or not the officer passed the interview, the conflict remains and may have affected the impartiality of the interviewer either way.



Name of meeting: Professional Committee
Date of meeting: 12th December 2018
Item lead at meeting: CC Julian Williams
Agenda item number: 5
Title of paper: **Appropriate Personal Relationships and Behaviours in the Workplace**

1. Issue

- 1.1 'Appropriate Personal Relationships and Behaviour in the Workplace' was considered by Professional Committee in July 2018 and subsequently discussed at Chiefs' Council. The document has been revised and returns to the Committee for consideration and approval.

2. Recommendation

- 2.1 Professional Committee decision required: **Yes**
2.2 Professional Committee is asked to consider and approve the revised document.

3. Summary

- 3.1 The Appropriate Relationship guidance was circulated to Chief Constables' as a regional paper in October, where feedback was mainly positive. It was discussed at the main Chiefs' Council meeting where there was significant support, notwithstanding one region that questioned the need for the document saying that they favored a change to the overall Code of Ethics. It was agreed that an amended version of the document would return to the Professional Committee for consideration and approval.
- 3.2 This revised version (Annex A) has removed all reference to professional standards' departments and has changed the document so that it is more frontline officer-focussed. The initial draft could have been misinterpreted as a policy document as oppose to 'guidance'; this revised version is more focussed on providing advice and guidance to those whom the guidance will affect. The over-arching principles of the document remain the same – to make the service's expectations of its officers and the relationships that they have with colleagues and partner agencies very clear.

4. Background Information

- 4.1. In 2017, [REDACTED], the previous [REDACTED], agreed to create guidance on appropriate relationships within the police service on behalf of the NPCC Professional Standards and Ethics' group.
- 4.2. Work started on this guidance mid-2017 on behalf of the portfolio by [REDACTED] from the College of Policing.
- 4.3. Following [REDACTED] retirement at the end of 2017, CC Julian Williams took over the portfolio and continued the commitment to producing this guidance on behalf of the group.

- 4.4. The paper was presented to the NPCC Workforce Development Committee in June 2018, but has since been amended following wider consultation and feedback from chief constables, staff associations and unions.
- 4.5 The paper was further presented at Chief Constable's Council in October. Following a difference of opinion, it was further amended to this latest version.

5. Annexes

5.1 Annex One. Appropriate Personal Relationships and Behaviours Guidance final draft document



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5.2 Annex two. Appropriate relationship guidance supporting examples



App relationship
guidance examples ;

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Author email: [REDACTED]

Author tel number: [REDACTED]

Sponsor (if not Author): Chief Constable Julian Williams



Name of meeting: Professional Committee
Date of meeting: 12th December 2018
Item lead at meeting: David Tucker
Agenda item number: 7
Title of paper: **HMICFRS Hate Crime Inspection Report Recommendations**

1. Issue

1.1 The HMICFRS inspection report into hate crime, *Understanding the difference - The initial police response to hate crime, July 2018*, makes a number of recommendations for the College of Policing. Most recommendations propose helpful measures that can support improved police responses to hate crime. The recommendations for the College can be accepted in amended form.

1.2 The proposed 6 month deadline for reviewing the operational guidance is unrealistic because of the number of stakeholders. The recommendations on training do not reflect the current NPCC and College approach to vulnerability that emphasises a single approach. The recommendations relating to risk assessment will be met through College work on developing guidelines on risk management.

2 Recommendation

Professional Committee decision required **Yes**

Professional Committee is asked to:

- a) Consider the HMICFRS recommendations;
- b) Support the proposed College responses.

3. Summary

3.1 HMICFRS conducted an inspection into hate crime and released their report in July 2018.

3.2 Annex A contains the recommendations. They can be split into three areas. The first relates to updating the Operational Guidance that is available on the College website. The second relates to assessing training products. The third relates to risk assessments.

3.3 The Operational Guidance is out of date and needs to be reviewed. However, this is likely to be a more fundamental review than the recommendations suggest. Hate crime covers a range of behaviours that affect a broad range of vulnerable people. There are many high profile stakeholder groups to be included in reviewing the document. It is proposed to accept the recommendation to review the Operational Guidance but suggest the deadline is 12 months, to July 2019.

3.4 In relation to training, the College has not produced a single, national course because of the diversity of need across forces. In addition, the NPCC/College Vulnerability

Action Plan sets out a framework to address all aspects of vulnerability in a single approach, where that is possible.

- 3.5 The College has developed evidence based training on vulnerability that has also been evaluated. The products, that include a one day course and CPD products, were made available to forces in October 2018. The products are based on cases studies featuring victims or families of victims of vulnerability related crimes and incidents. There is a hate crime incident that can be used as part of a training course or as CPD.
- 3.6 We consider that the vulnerability learning products address the need for hate crime training and we propose to respond to HMICFRS accordingly.
- 3.7 The final area relates to risk assessment. The HMICFRS recommendations suggest that forces should be advised by the College and national policing lead on risk assessment for hate crime. Forces currently use risk assessment processes that they feel meet their needs.
- 3.8 We are unaware of evidence that would support the adoption of any particular risk assessment process or that supports the use of Multi Agency Risk Assessment Conferences (MARAC) as a more or less effective way to manage risk. MARAC is a good way for organisations to work together to manage domestic abuse cases but we are not aware of evidence that such a process could be used in other settings. As a result, the College is reticent to give advice about risk assessment processes.
- 3.9 The College is leading work looking at evidence for the various risk assessments used by forces to deal with vulnerable people. This work is part of the structured evidence based approach to developing 'practice guidelines'. We anticipate developing risk assessment guidelines, based on evidence, in the next 12 months. We propose responding to HMICFRS drawing attention to the guidelines work that will develop the evidence on which advice can be based in the future.

4. Annexes

Annex A – HMICFRS Recommendations

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Author job title: Faculty Lead, Crime and Criminal Justice
Author email: [REDACTED]
Author tel number: [REDACTED]
Sponsor (if not Author):

Annex A

TRAINING

Areas for improvement

- The College of Policing should review the existing hate crime training package. It should then give details of effective training to all forces for them to use, so they can give victims of hate crime a better service.

OPERATIONAL ADVICE

Recommendations

Our inspection shows that some hate crime victims get a better service than others. This is because forces apply the national minimum standard of response to victims of hate crime inconsistently.

- We recommend that, within six months, the NPCC lead for hate crime works with the College of Policing to review the operational guidance about the minimum standard of response to establish if it is still appropriate and relevant for forces
- We recommend that, following the review, any agreed minimum standard of response for forces should be monitored by force governance processes, including external scrutiny.

Recommendations

We don't think the College of Policing operational guidance currently reflects the importance of appropriately flagging hate and cyber-enabled crime.

- We recommend that, within six months, the College of Policing should review and refresh the hate crime operational guidance. This is specifically with reference to the importance of making sure hate crimes are flagged appropriately.
- We recommend that, within six months, the NPCC lead for hate crime and the College of Policing should work together to review and update the hate crime operational guidance to include a section on online offending.

RISK ASSESSMENT

Cause of concern

We are concerned that some hate crime victims may be vulnerable to being targeted repeatedly and, at the moment, the risks to them aren't being assessed well enough.

Recommendation

- We recommend that, within six months, chief constables adopt a system of risk assessment for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

Cause of concern

We are concerned that the risks to some hate crime victims aren't being managed well enough or consistently enough, and some hate crime victims are less safe as a result.

Recommendation

- We recommend that, within six months, chief constables incorporate risk management into a risk assessment process for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this.

Cause of concern

We are concerned that the recurring risks to some hate crime victims aren't being managed well enough or consistently enough, and that the most vulnerable victims would be safer if the police routinely worked with partner organisations to manage risks to victims.

Recommendation

- We recommend that, within six months, chief constables work with partner organisations to adopt a system of risk management for vulnerable victims of hate crime. The NPCC lead for hate crime and the College of Policing should give chief constables advice about how best to do this. They should also consider whether the principles of the multi-agency risk assessment conferences (MARAC) process are a good way to manage the risks to hate crime victims.

Annex A

Stalking and Harassment – Relevant Section on PINs from HMIC/HMCPSI Inspection Report

(footnotes removed)

Police Information Notices

Police Information Notices (PINs)⁷⁶ have been introduced by forces in a number of forms after the introduction of the Protection from Harassment Act 1997.

The initial intention of the notices was to deal with the difficulty of proving that individual acts (which did not in themselves amount to offences) had been committed by an accused who knew or ought to have known that this would cause the victim harassment, alarm or distress.

In 2007, [REDACTED] stated:

“Early ‘loopholes’ were identified after the enactment of the Protection from Harassment Act 1997 when ‘stalkers’ claimed that they did not know that their behaviour (such as sending flowers, cards etc.) amounted to harassment. That their intention was not to cause the victim to be either harassed, alarmed or distressed. To this end, police forces began issuing suspects with a formal notice of warning that the victim alleges that their behaviour does indeed cause harassment, alarm and distress and that, should such activity continue, then a prosecution will ensue.”

PINs have no legal or statutory basis and because the decision to issue them is purely an operational matter for the police, they could best be described as a tactic to prevent further offending.

There are numerous other criminal offences that require the prosecution to show beyond reasonable doubt that the defendant knew or ought to have known a fact. However, it is unusual for this to result in approved police practice to warn an offender regarding their future behaviour before further action is taken.

It is also noteworthy that, since the introduction of PINs, “bad character evidence” has become admissible on a statutory basis to assist the prosecution with the *mens rea* required for this and other offences.

The use of PINs has been the subject of inquiry a number of times and there have been many recommendations to stop them being misused. We have seen no evidence that any of these recommendations have been effective. In fact, with regard to some of the specific recommendations, for example the consistent publication of data on numbers issued and better training for officers, we found no evidence to suggest that the recommendations had ever been implemented in some forces.

In 2011 the Government carried out a consultation⁸¹ on whether to introduce a stalking-specific law, and in relation to PINs it was acknowledged:

“We recognise that there are concerns around the process by which these notices are issued. Some argue that those issued with a Police Information Notice are not given a fair hearing. Equally we are aware that some consider Police Information Notices to lack teeth and that they give victims a false sense of security.”

The College of Policing guidance for professional practice on the use of PINs dates from 2009 and, despite many assurances, a replacement has not yet been produced for consultation. However, we understand that the current proposals include the continued use of notices in certain circumstances. We acknowledge that much work has taken place so far to formulate proposals suitable for consultation.

In our inspection, we examined the use of PINs throughout all 43 police forces. We found that some forces had stopped using PINs altogether. Other forces had placed significant restrictions on their use such that they should rarely be used, for example that they can only be used with the authority of a superintendent.

In 2016, Surrey Police conducted an internal review of the use of PINs. The review concluded that, in a large proportion of cases that it examined, the PINs had not been issued appropriately, some investigations had not been as thorough as they should have been and some risks to victims had been missed. After careful consideration, the force decided to stop using PINs.

Subsequently, as part of an overall drive to improve the force’s approach to harassment and stalking cases, the force found that there had been an increase in the use of risk assessments, there were better crime-recording practices and more thorough investigations, and there had been an increase in the involvement of partner agencies to help safeguard victims and their families.

Surrey Police considers that this approach is a positive step in prioritising the needs of victims and represents a significant improvement in managing risk and ensuring crimes of harassment and stalking are effectively investigated.

In the 39 forces that used PINs at the time of our inspection, we examined 270 cases in which a PIN (or a similar alternative) had been issued. We found compelling evidence in some cases that victims had not been properly protected, no thorough investigation had taken place and there was no positive action to protect the victim. Many of the cases we examined featured victims of domestic abuse. In addition, we also saw evidence of the use of PINs when we examined a sample of cases that had been charged as harassment or stalking in the six forces we visited as part of the fieldwork for this inspection (see ‘About this inspection’). The police received an anonymous call to say that a man had entered the address of his ex-partner while she was out and had armed himself with a knife. The man was intending to cut the woman’s throat when she returned. Police attended and arrested him. No crime was recorded. Investigative leads were not followed up and the case was closed by issuing the man with a PIN.

We found many examples of inappropriate use of a PIN, where what was required was a robust investigation with positive action to protect the vulnerable victim. Instead, a PIN had been issued as a means of ‘solving’ the crime, with little consideration of the likely need for the future protection of the victim.

A victim who worked in a bank reported to police that a male stranger kept visiting her at work, leaving gifts for her and waiting for her to finish work before following her to a bus stop. The same man had previously acted in a similar way with the victim's work colleague. The victim asked to be transferred to another bank branch some distance away, only for the man to track her down and begin to act in a similar fashion. The victim confronted the man, who became angry. No risk assessment took place. The police did not arrest or interview the man, but instead issued him with a PIN.

Following a brief relationship which had ended, the victim was subjected to stalking behaviour by her ex-partner. This consisted of continually calling and texting the victim (sometimes from different phone numbers), sending the victim gifts and turning up at the victim's place of work, the nursery that her child attended and her home address. The police were called and issued a PIN. The behaviour did not stop but escalated, and continued for another three months before the victim called the police again. The police charged the ex-partner but he breached the conditions of bail a number of times before the court case concluded.

In gathering evidence as part of the inspection, we also heard from victims and victims' groups about their continuing concern about the use of PINs. A number of victims told us that after the issue of a PIN the behaviour continued, as the following example shows. We heard from a woman who had been harassed by her ex-partner. She told us that the perpetrator was issued with a PIN, but he then made contact again. The police warned him and reminded him about the previous issue of the PIN. In this case, the harassment and stalking escalated and the offender was eventually convicted of harassment and issued with a restraining order.

Views have been expressed that PINs can be useful tools in stopping harassment.⁸² We have, however, been unable to find any research that proves this view is correct or on whether issuing a PIN is more or less effective than any other form of police action (informal or otherwise).

However, the more serious concern is that there is evidence that suggests that PINs have been used inappropriately in cases which have progressed to homicides or other serious crimes.

There are also a number of other problems with PINs. We detail these below. Forces have different approaches to the use of PINs and some have decided not to use PINs at all. Therefore, it is difficult to see how the College of Policing can accommodate these different approaches in one revised Authorised Professional Practice. Some forces may choose not to adopt national practice.

In our inspection we found that some forces were unable to give us accurate information about how many PINs had been issued, despite a specific recommendation in the Home Affairs Committee report on Police Information Notices in 2015:

"Each force should publish the number of PINs issued on their websites on a monthly basis. The Home Office should collate and publish annual data about the number of PINs issued by each force, including the number of cases in which repeat victimisation was reported following the issuing of a PIN, and the number of prosecutions that followed."

The issue of a PIN can in certain circumstances seem unfair to the person being accused of the behaviour concerned. This was again noted by the Home Affairs Committee report on Police Information Notices in 2015:

“The lack of any procedure for appealing against a PIN can feel very unfair to recipients. As already specified in the guidance, the intended recipient of a PIN should at least be given the opportunity to give their account of the situation before a police decision is made on the issuance of a PIN. This is not happening in many cases at the moment. Each police force should provide details of the complaints process to recipients alongside the original PIN.”

We found little evidence to suggest that anything had changed in regard to the above since this report was published.

As PINs are a matter for individual police forces, there is no information-sharing between forces, either regarding vulnerable victims or offenders who have received a PIN. There is no current facility to circulate this information on the Police National Computer. Therefore, it is possible that an offender could be given a PIN multiple times in different force areas with no individual force knowing about the actions of the others. In some forces, due to recording problems, we found that it would have been possible for an offender to have been given numerous PINs within a force area without this being highlighted to other officers. It is possible that in these circumstances the escalation of the offending behaviour would be missed.

PINs may also be confusing for victims. As part of HMIC’s annual PEEL effectiveness inspection, focus groups with victims of domestic abuse took place. It was clear that some victims (incorrectly) believed that a PIN had some form of legal standing, and that to breach a PIN was a criminal act that would necessarily result in arrest and positive action.

There are systemic and enduring problems with PINs. PINs act as a potential barrier to effective investigation, and are likely to remain so despite the best intentions of the revised guidance of the College of Policing.

We recognise that to remove PINs from use may leave a gap in the options available, particularly for those victims who do not want to support police action but just want the behaviour to stop. However, PINs could be replaced by an order for harassment crimes similar to the proposed Stalking Protection Orders (SPOs), which we discuss below at page.

In addition, in some police forces stopping the use of PINs may affect their investigative resources. For example, it may mean that officers spend longer investigating crimes, rather than seeking to ‘close down’ cases before a thorough investigation has taken place.

As a consequence of more thorough investigations:

- ☐ the risks to victims should be better assessed and managed;
- ☐ more perpetrators should be brought to justice, particularly in cases of domestic abuse; and
- ☐ victims should be better protected through the use of bail conditions and restraining orders.

All of the above outcomes will have a positive effect on victims of harassment and stalking



Name of meeting: Professional Committee
Date of meeting: 5th December 2018
Item lead at meeting: David Tucker
Agenda item number: 8
Title of paper: Early Harassment Notices

1. Issue

- 1.1 In November 2017 Professional Committee considered an HMICFRS report into stalking and harassment that recommended chief officers abandon the use of 'Police Information Notices' (PINs) or anything like them.
- 1.2 Professional Committee supported the College to trial a revised process for managing warnings in harassment cases only, called Early Harassment Notices (EHNs).
- 1.3 Since that meeting, the National Policing Lead has changed and the new lead, having reviewed the background to PIN's and sought the views of stakeholders, wishes to advise forces to follow the HMICFRS recommendation, to abandon the use of PINs or equivalents and review the impact in a year.

2 Recommendation

Executive Committee decision required **Yes**

Professional Committee is asked to:

- a) Review the College's position on EHNs in view of the approach recommended by the new National Policing Lead and consider supporting his proposal to abandon the use of PINs or equivalents and review impact in a year.

3. Summary

- 3.1 On 5th July 2017 HMIC and HMCPSP published their joint report into stalking and harassment: 'Living in fear – the police and CPS response to harassment and stalking'. The report found significant problems with the policing and CPS approaches to stalking and harassment. Specifically, the report includes criticism of Police Information Notices (PINs) and recommends that:

'Chief constables should stop the use of Police Information Notices and their equivalents immediately.'

- 3.2 Discussions were held between the College and the then NPL, [REDACTED]. It was agreed that removal of PINs, without a replacement, would leave a gap. A report was brought to Professional Committee. The Committee supported trialing EHNs in a small number of forces to test whether the HMICFRS concerns could be addressed.
- 3.3 A letter for forces was drafted by the College and submitted to [REDACTED] for sign off. The letter was not signed by him prior to his retirement in February 2018.

- 3.4 The new NPL, [REDACTED], has reviewed the position and does not support at this time, the use of EHNs and considers that PINs and their equivalents should be stopped for 12 months as a trial to assess the impact.

4. Background

- 4.1 Professional Committee considered this issue in November 2017. The key points are;

- PINs were issued under College guidance and the HMICFRS recommendation should have been addressed to the College;
- The report focuses only on cases of failure and does not report on cases where PINs were used appropriately;
- Removal of PINs would be unlikely to stop the practice of warnings being given but would remove any form of supporting process;
- Chief constables could choose whether to use the revised EHN process. If they chose not to use any form of warning, that was the end of the matter for them. If they chose to use warnings, the EHN process was to be used;
- No warnings are appropriate in cases of stalking. EHNs apply only to harassment, as their title makes clear;
- Removing warnings for harassment cases would remove an option to resolve low level disputes between parties where behaviour had not yet become criminal either because there was no 'course of conduct' or because the suspect genuinely did not recognise that their behaviour was causing distress to the recipient;
- HMICFRS recognised that removal of PINs would create a gap.

- 4.2 Home Affairs Select Committee (HASC) considered PINs in 2015 and identified concerns in relation to their use. HASC did not recommend abandonment of PINs, but suggested improvements. The EHN process reflects those views.

- 4.3 Annex A contains the concerns raised by HMICFRS in relation to PINs and was attached to the original Professional Committee paper.

- 4.4 HASC and HMICFRS both found that PINs were not being used appropriately in a large number of cases and were automatically considered the first step in stalking and harassment cases as opposed to considering the actual offending being presented. They also found that the respective iterations of warning notices showed continuing misuse and potentially victims being left at risk as a result.

- 4.5 HMICFRS was also concerned that police responders found it difficult to differentiate between harassment and stalking (stalking not being defined in legislation). The College in conjunction with the NPL has developed support materials for policing that

helps officers and staff to differentiate between offences of stalking and offences of harassment. These have been released for public consultation.

- 4.6 [REDACTED] has liaised extensively inside and outside the service. He has found that most chief constables have acted on the HMICFRS recommendation and have removed the use of PINs as an option in such cases and have not noticed or reported a negative impact following their withdrawal.
- 4.7 He has consulted with members of the National Stalking and Harassment Working Group that he chairs, Home Office and the National Stalking Consortium. There is a consensus that another iteration of a warning notice will lead to confusion and potential misuse.
- 4.8 There is concern that victims may consider that EHN warnings offer safeguards or protections when they do not.
- 4.9 Home Office noted that Stalking Protection Orders (SPOs) would be available for stalking, when the legislation is passed and implemented in 2019. However, EHNs would not apply to stalking.
- 4.10 The Home Office feedback recognised that SPOs would not be available in harassment cases and that the issue of warnings is a matter for policing.
- 4.11 Having reviewed the respective stakeholder perspectives on the requirement for EHNs, [REDACTED] has reached the view that as the national lead he does not support their introduction at this time. He considers that that they will potentially cause more confusion when we are trying to provide clarity and there is a real risk that we will see a repeat of the same issues as we have with all previous warning notices in this area.
- 4.12 [REDACTED] proposed way forward would be to write to all Chief Constables recommending the withdrawal of PINs and then in a years' time undertake an evaluation through the national working group on whether a gap has actually been left. If it transpires this is the case, then the EHN concept or an alternative can be re-considered. He would like the College to support this course of action.
- 4.13 Professional Committee is asked to reconsider the matter in the light of the NPL's view and those of other stakeholders.

5. Annexes

Annex A – Concerns of HMICFRS

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Appendix A

Summary of DSI-PIP APP consultation

Consultation

The College of Policing used the public facing APP site to carry out a public consultation on the draft DSI PIP guidance between 3rd July & 14th August 2018. The following stakeholders were contacted to ensure that they were aware of the consultation:

- Chief Officers (via Chiefs' Net)
- NPCC leads for those areas of practice to which DSI incidents are most often related (firearms, CED, RP, pursuits, custody, response, call handling, public order, self-defence and restraint, MH, suicide prevention and surveillance)
- staff associations and unions
- APCC
- IOPC.

Consultees were asked nine specific questions (plus one general comments question) about the draft guidance. These were:

1. Do you find the APP easy to follow and understand?
2. Does the content of this area of APP increase your knowledge about this area of policing?
3. Does the content of this area of APP meet your needs and expectations? If not why?
4. Is there any information missing?
5. Is there any unnecessary repetition?
6. Is the accreditation process described for post-incident managers (which mirrors that in armed policing) appropriate?
7. What challenges do you anticipate implementing this APP?
8. Should there be defined timescales for the implementation of this guidance in terms of the time that has elapsed between the police contact and the associated DSI?
9. Is there any content that you consider may have a negative impact on any community or group of people?

33 pieces of feedback were received from the following:

Organisation
Metropolitan Police – Specialist Operations
IOPC
West Yorkshire Office of the Police and Crime Commissioner
Police Federation of England and Wales
Kent Police – Vulnerability Investigation team
British Transport Police – Strategy and Performance Dept
National Crime Officers Association (NCA Staff Association)
NPCC roads policing portfolio

NPCC Police Complaints & Misconduct portfolio
Metropolitan Police Service – Professional Standards Dept
North Yorkshire Police – Office for Chief Constable
Merseyside Police – Transformation and Development
Gwent Police
UNISON
Warwickshire Office of the Police and Crime Commissioner
North Wales Office of the Police and Crime Commissioner
Surrey & Sussex Police – Operational Business Change
Cheshire Constabulary – Professional Standards Dept
Lincolnshire Police - Professional Standards Dept
West Yorkshire Police
The Police Dependents' Trust and Cambridge University – individual response
Nottinghamshire Police – Post Incident Manager
Merseyside Police
Merseyside Police Office for the Police and Crime Commissioner
Police Firearms Officers Association
South Wales Office of the Police and Crime Commissioner for
Hampshire Police
Police Federation – Essex branch
Derbyshire Constabulary - Professional Standards Dept
Warwickshire and West Mercia Police
Kent Police – Tactical Operations Dept
Northumbria Police - Post Incident Manager
Nottinghamshire – Road Policing Dept

Feedback- Overview

The feedback received was overwhelmingly positive in welcoming a consistent approach in terms of the police response to DSI incidents and the consequent mitigation of current police service vulnerability in this area. Much of the feedback related to more minor issues including the sequencing of content within the APP. This has been addressed through amendments to the draft APP and responses to the consultees. However there are a number of more substantial issues that were raised.

More substantial issues raised.

1. Questions about the relevance of some law references and the use of case law.
2. Some confusion between a 'post-incident investigation' and 'post incident procedure'
3. Concerns that the definition of a serious injury creates the potential for a PIP to be implemented for relatively low level injury
4. Requests for the rank of the PIM and the AO to be defined.
5. Requests that implementation issues for the custodial environment be given specific consideration.

Points 1, 2 and 3 have been partly addressed through post consultation revisions of the guidance and 2 and 3 can feature within implementation considerations.

Points 4 and 5 will be explored during further focussed consultation with internal stakeholders as part of implementation planning.

Annex B Draft DSI-PIP APP

Authorised professional practice for post-incident procedures in death or serious injury following police contact matters

This page includes guidance on post-incident procedures, management, welfare and legal issues. The guidance outlines provision of accounts by officers and staff in a broadly chronological manner, provides responsibilities for key roles and sets out approaches to organisational learning and debriefing. The information provided is relevant to any investigation, whether carried out by the force's professional standards department (PSD) or by the relevant independent investigative authority (IIA).

Forces should develop a local implementation plan to set out how the post incident procedure will be put in place. This plan should define how the roles with specific responsibilities will be discharged

This guidance is **not** applicable where a death or serious injury (DSI) results, directly or indirectly, from the discharge of a firearm or less lethal weapon by a police officer (see **APP-AP>Post-deployment**).

This guidance should be read in conjunction with the IOPC Statutory Guidance to the Police Service for Achieving Best Evidence in Death or Serious Injury Matters.

[\(Hyperlink to document\)](#)

A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in or as a result of which a person has died or sustained serious injury and:

- at the time of DSI, the person had been arrested by a person serving with the police and had not been released, or was detained in the custody of a person serving with the police

or

- at or before the time of DSI, the person had direct or indirect contact with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have directly or indirectly caused or contributed to the DSI – this sub-category excludes contact that a person suffering the DSI had while acting in the execution of their duties as a person serving with the police – see **section 12**, Police Reform Act 2002).

'Serious injury' means a fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function (**section 29**, Police Reform Act 2002).

The circumstances surrounding a DSI may not involve the use of force by a police officer or member of police staff. Where reference to the use of force is made in this guidance, consider whether the specific guidance is relevant or applicable in those circumstances.

Where a chief officer becomes aware of a DSI matter relating to a person under their direction and control, the chief officer must take all appropriate steps for the purposes of **Part 2** of the Police Reform Act to obtain and preserve evidence relating to the DSI matter.

This duty must be performed as soon as practicable after the chief officer becomes aware of the matter. The chief officer should continue to take the steps they think appropriate to obtain and preserve evidence until they believe it is no longer necessary to do so.

The chief officer must take any steps directed by the relevant IIA or local policing body to obtain or preserve evidence (**paragraph 14B**, Schedule 3, Police Reform Act 2002).

Under paragraphs **4(1)(a)**, **13(1)(a)**, and **14C(1)** of Schedule 3 to the Police Reform Act 2002 (as amended by **Schedule 12** to the Serious Organised Crime and Police Act 2005), police forces in England and Wales have a statutory duty to refer any complaint or incident involving a DSI which has occurred during or following police contact to the IOPC, where there is an allegation or indication that direct or indirect police contact may have caused or contributed to the DSI.

Therefore;

- A complaint must be referred if it alleges that the conduct complained of resulted in death or serious injury
- A conduct matter must be referred if the conduct matter relates to any incident or circumstances, in or in consequence of which, any person has died or suffered serious injury
- All DSI matters (as defined within this guidance) must be referred

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Article 2 ECHR and the duty to investigate

Relevant case law

[Jordan v United Kingdom \(2003\) 37 E.H.R.R. 2](#)

[Ramsahai v Netherlands \(2008\) 46 E.H.R.R. 43](#)

[R \(on the application of Amin \(Imtiaz\)\) v Secretary of State for the Home Department \[2003\] UKHL 51](#)

The [European Convention on Human Rights \(ECHR\) Article 2](#) imposes a duty on the state to conduct an effective official investigation when individuals have been killed or seriously injured as a result of the use of force by the police. According to the European Court of Human Rights, the investigation must:

- be on the state's own initiative (eg, not civil proceedings)
- be independent, institutionally and in practice
- be adequate and capable of determining whether the force used was justified in the circumstances and leading to the identification and accountability of those responsible
- be prompt
- allow for sufficient public scrutiny to ensure accountability
- allow the next of kin to participate – see [Jordan v UK \(2003\) 37 EHRR 2](#).

The Articles of the ECHR are contained in the schedule to the **Human Rights Act 1998** and are therefore incorporated into UK law.

Purpose of an Article 2 investigation

The requirements under [ECHR Article 2](#) are relevant and can extend to any situation in which DSI occurs during an incident or operation where police are involved.

The essential purposes of an Article 2 investigation are:

- to secure the effective implementation of domestic laws which protect the right to life
- in those cases involving state agents, to ensure their accountability for deaths occurring under their responsibility.

The investigation must be capable of leading to a determination of whether the force used was or was not justified in the circumstances and identifying and to the identification and punishment of those responsible where appropriate.

Who will investigate?

Investigations may be conducted by a force PSD or IIA such as the Independent Office for Police Conduct (IOPC) in England and Wales, the Police Ombudsman for Northern Ireland or, in Scotland, under arrangements set out by the Police Investigations Review Commission. The Health and Safety Executive may also undertake investigations.

Effective investigation

The aim of an investigation into a DSI is to:

- ensure that the applicable law is properly followed and implemented
- ensure accountability when the law has not been properly followed and implemented, for instance, through disciplinary and/or criminal proceedings.

Independent investigations

The scope of the investigation is likely to be wide ranging. It will include establishing the facts surrounding any DSI, the circumstances leading up to the DSI and all the issues surrounding it, such as police activity management and planning.

Investigative function

Following a DSI, the police service should first take all appropriate steps to reduce any possible investigative risks and deficiencies, such as failing to secure evidence. The procedures adopted should demonstrate integrity in all actions and discussions between the officers and staff involved and must be able to withstand scrutiny.

Nothing in this section should be interpreted as constraining effective action by the police service or the officers and staff involved in adopting an operationally necessary procedure to secure best evidence, arrest or bring to justice those who may be involved in ongoing criminal activity or a follow-up investigative process.

The responsibility for securing evidence and taking appropriate action in an Article 2 investigation remains with the police service until the IIA takes over the investigation. The responsibility of the police force being investigated is to facilitate the investigation through, for example:

- identifying and preserving scenes and exhibits
- identifying immediately available witnesses
- securing physical evidence
- providing experienced family or witness liaison officers.

The IIA should be notified without delay. This will enable them to adopt appropriate procedures and agree initial actions required by the police at an early stage.

Post-incident procedures (PIP)

Further information

[APP on statutory duty to refer to the IOPC](#)

The term **post-incident** describes the period after DSI, where the criteria for the implementation of a post incident investigation has been met and an investigation into police action or inaction is to be conducted. It is not possible to identify or prescribe a time limit after which a DSI occurs and a PIP may be implemented. Any decision should therefore be based upon the circumstances and the nature of the investigation.

The associated procedure is scalable and, while all elements of the procedure should be considered, it may not be necessary to apply them every time. This will depend on the circumstances, significance and consequences of the event.

Where a DSI occurs, irrespective of whether force has been used, post-incident procedures ensure that investigations are conducted in a manner which:

- ensures the integrity of the legal process in respect of police action, persons arrested or evidential material seized
- enables follow-up action related to any ongoing crime
- identifies any operational or safety-critical issues in respect of procedures, training or equipment used
- ensures individual, team and organisational learning takes place and is addressed locally and nationally, as appropriate.

The decision to implement a PIP rests with the chief officer or delegated senior officer with overall responsibility. Referral of a DSI to the IIA will not always result in, or require, the implementation of a PIP and will depend on the nature and severity of the incident. This decision may be made in consultation with the IIA and should be recorded.

There are a number of roles specific to post-incident procedures. These are:

- initial investigating officer (IIO)
- investigator from an IIA or force PSD
- chief officer (or delegated senior officer)
- Force duty officer

- PIM
- appointed officer

The responsibilities of those involved in the process are outlined in the [post-incident responsibilities](#) section.

The [National Decision Model](#) provides a structure that can be used to address post-incident issues and assist as a structure for any debrief process (see Debriefing).

Early consideration should be given to:

- the impact of the incident on the deceased's family and the community (see [community impact assessment](#))
- media management (see [media releases](#))
- the nature of any debrief to be undertaken
- the requirement for an explanation and/or, where appropriate, an apology to the people affected.

The appropriateness and sequence of the above issues will depend on the circumstances and whether the [criteria for a post-incident investigation](#) have been met. If a post-incident investigation is to be undertaken, the appropriateness of any of the above considerations should be discussed and agreed with the relevant investigative authority. Relevant issues for when an investigation is conducted are set out in [post-incident procedures](#).

Criteria for post-incident investigations

Post-incident investigations will commence in all situations where, following contact with the police, a DSI occurs (these will be ordinarily be subject to mandatory referral to IIA). Where a DSI occurs but the person was not in police custody at the time, and there is no indication that contact with the police has caused or contributed to the death or serious injury, it may not be necessary to refer the incident to the IIA. In these circumstances the IIA should be consulted.

Incidents which have revealed failings in operational command or supervision, or have caused danger to officers, staff or the public should be referred to the IIA as a voluntary referral. If the above criteria are not met, the force should still consider the proportionate application of these procedures, where appropriate.

Where DSI has resulted following police contact, it is in the interests of the public, police and everyone involved in the incident for subsequent procedures to be open, transparent and demonstrate the integrity of all actions.

Where a post incident investigation is to take place, and the matter is subject to referral to the IIA, the IIA should be provided with sufficient information to determine whether an independent investigation is required as soon as practicable. Further information given to the investigative authority should include the action taken and arrangements made for them to commence a post-incident investigation. It is for the IIA to determine the nature of the investigation and the extent of their involvement.

Incidents not requiring investigation by an IIA may be investigated by a force's PSD, in accordance with local procedures.

Initial action

Where a DSI has occurred the force duty officer (FDO) must be informed immediately. The term FDO is used generically to describe the individual who is directly responsible for the force control room and has force command and control responsibility.

Arrangements should also be made to ensure that the nominated force gold or critical incident commander is informed and, where appropriate, the chief officer on duty/on call (see **critical incident APP**). The overall responsibility for post-incident procedures rests with a chief officer or delegated senior officer (who has not been involved in the operational phase). This officer is responsible for ensuring that a process is in place to initiate a post incident procedure when appropriate: This process should include;

- post-incident investigation (including informing the IIA)
- post-incident management.

Immediate post-incident considerations

Initial actions of the FDO

Post-DSI, the FDO should initially establish what has taken place (including the extent of any casualties). The FDO should also establish:

- Is any person injured? If so, are they receiving appropriate medical attention?
- Is there an ongoing threat to life or operational imperative that requires continued action from officers or police staff?
- Are there any new or emerging threats or risks outstanding to any person?
- What control measures are in place in respect of these threats or risks?
- Are there any critical operational safety issues that require immediate attention?
- Are any subjects at large? If so, what action is required to locate them?
- To what extent have the original operational objectives been met?
- What additional resources are required?
- Have relevant scenes been identified?
- What action is required to secure and preserve scenes and evidence?
- Has appropriate post-incident procedure been implemented?
- Have key police witnesses been reminded of the guidance related to conferring? ([Hyperlink to conferring section](#))
- Have staff associations/trade unions been notified?
- Have arrangements been made for handover to the IIO?
- Has the force PSD been notified?
- Has the force gold or critical incident commander been briefed?

The FDO's responsibilities will be relevant until they are relieved of their responsibilities or the incident is brought to a conclusion.

The initial action taken by the FDO should ensure:

- resources are adequately deployed, including medical aid, welfare, operational and technical support
- continuity of command of any ongoing crime-in-action
- integrity of process in relation to securing best evidence

- senior command and the IIA are notified of the event
- community impact is considered and, where appropriate, actions are taken.

For any time delay in the arrival of an IIA or PSD investigator, a command decision should be made as to how and by whom the scene should be managed and investigatory issues commenced (for instance by appointing an IIO).

Appointment of an IIO

The force in which the incident occurred should consider appointing an IIO. Where practicable, and depending on the seriousness of the injury, this should be an individual accredited to PIP level 3 (senior investigating officer) and any appointment should be made in consultation with the IIA. The IIO is responsible for taking early steps in the investigation prior to (and in preparation for) handover to an appointed investigator from an IIA or other department.

Priorities pending the IIA's arrival

The priorities will usually be:

- meeting any first aid and medical needs
- establishing the circumstances of the incident (see provision of accounts)
- managing and protecting the scene in order to maintain forensic integrity
- identifying witnesses
- identifying key police witnesses (see key police witnesses)
- separating key police witnesses (if safe, necessary and practical to do so)
- identifying and securing exhibits
- identifying and liaising with the deceased's family (following consultation with the IIA)
- managing community interest, including the media
- consider measures to protect the identity of key police witnesses where appropriate (see anonymity) .

Unless the immediate removal or seizure of evidence is necessary to prevent loss or deterioration, or to protect the public from harm, action should only be taken to preserve and control the evidence. Any other actions in respect of its recovery, removal or analysis should only be undertaken with the agreement of the IIA. Any

action which is taken to prevent loss, deterioration or harm should be documented along with the justification for taking that action.

Managed transition

Initial arrangements should enable a managed transition from the operational phase of the incident (if relevant) to the investigation. In this transitional phase, close liaison between the FDO or critical incident commander, the IIO and an officer appointed by the force to manage the post-incident process is important.

Initial actions of the chief officer (or delegated senior officer)

After incident notification, the gold commander should make an assessment regarding command, coordination and police response.

The gold commander should also consider the strategic issues that need to be addressed in respect of the:

- incident
- family
- community
- police force(s) involved
- service-wide considerations.

Responsibilities in relation to the welfare of all staff involved are addressed under [welfare considerations](#).

Management at the scene

Depending on the DSI circumstances, it may not be possible to immediately identify a specific scene(s). Where a scene is identifiable, a supervisor, where present or available, should ensure it is protected and that evidence is preserved until the IIO arrives. Where practicable, the supervisor should remind officers/staff of the guidance in respect of conferring and liaise with the IIO and, where necessary, with the scene of crime officer. If no supervisor is present or available, the FDO should take responsibility for scene management, or delegate this where appropriate.

Incident resolved, scene safe

Where relevant, officers/staff should take all necessary and proportionate action to ensure that the incident is resolved and that the scene is safe. Officers/staff should remain operationally active until stood down.

Communication with control room

Any DSI, and details of any persons injured or deceased (where known), should be reported to the control room and/or FDO as soon as practicable. Situational and safety-critical information should be relayed as soon as practicable.

Medical aid

Providing medical aid is a priority.

Secure the scene

Where possible, and without compromising security of officers/staff and persons in the vicinity, action should be taken to secure the scene pending forensic examination where considered necessary. The IIO, in conjunction with the IIA, will determine the extent to which the scene and potential exhibits needs to be secured.

Consider separation

The FDO should consider (in consultation with the PIM where practicable) whether officers/staff who are potential key police witnesses should be separated (see [separating key police witnesses](#)).

Appoint a scene manager

Appointing a scene manager should be a priority for the FDO. The scene manager will be responsible for securing evidence, deploying forensic experts and ensuring forensic recovery in accordance with forensic strategy. Where practical, this should be developed in consultation with the IIA.

Record information

If and where any subject's weapons have been recovered, the person finding them should record this and relay the information to the person in charge at the scene. Where, for operational or security reasons, it has been necessary to take any action in respect of a recovered weapon, details of the precise procedures followed should be recorded.

As far as possible, the positions of officers and staff at the scene of an incident should be recorded. The incident may, however, demand the rapid movement of officers/staff. This could involve key actions being taken from more than one position during an event that is developing rapidly. Officers/staff may also become involved in detaining or searching a subject, and/or in providing medical assistance. In these circumstances, precise and accurate recall of where officers/staff were at each stage of the incident may not be possible.

Where there is an operational imperative to remove a person, vehicle or equipment from the scene at an early stage, the reason for this, should be recorded along with their initial location, for the purpose of any future investigation.

Deal with police vehicles

Unless there is a safety critical reason, do not remove police vehicles in which key police witnesses attended the scene without the express authority of the FDO or the IIO in consultation with the IIA.

Return to police station

As soon as is practicable after the scene is safe or has been secured, those involved in the incident should return to a police station or other suitable location for post-incident procedures. In most circumstances it will be for the FDO or on scene supervisor (if present) to coordinate this return. This will assist in securing the integrity of the scene and enable officers and staff to attend to post-incident issues, including those of evidence and welfare, in a structured and sensitive manner.

Safety-critical immediate communications

Where a DSI occurs, officers and staff are permitted, and may be required, to relay situational and safety critical information to those involved in the ongoing management of the incident or operation (see [providing accounts](#)).

Post-incident management

During a post-incident investigation, the IIA will, at an early stage, wish to identify the witnesses and key police witnesses.

Witnesses

Witnesses may be members of the public, police officers, police staff or other emergency responders acting in their professional capacity who have witnessed the incident (whether by sight or sound).

Key police witnesses

Key police witnesses are police officers or staff who can give direct evidence of the DSI, or the circumstances leading to it. This is a flexible definition which must be interpreted according to the particular circumstances.

Key police witnesses may include those:

- who were at the scene and in contact with the person(s) deceased or seriously injured
- who immediately witnessed the incident
- who authorised, commanded or supervised police action
- those who provided tactical advice.

As the investigation unfolds, others involved in the police operation may become key police witnesses.

In the initial stages of the investigation, all actions taken by witnesses and key police witnesses must be noted and carefully documented..

These actions will include:

- securing evidence
- any discussion undertaken between witnesses and other persons
- any account given or facts recorded of the incident.

Prior to any key police witnesses providing accounts of what has happened, officers should:

- secure relevant exhibits
- address [welfare](#), including offering medical and legal advice.

Conferring

Officers and staff should not confer with others before making their accounts (whether initial or subsequent detailed accounts). It is important that key police witnesses individually record their honestly held belief of the circumstances. Therefore, there is no need for them to confer with others about what was in their mind at the time of the incident.

The recall of witnesses can be affected by hearing the accounts of others. Arrangements for obtaining all accounts should ensure that this potential is avoided.

This guidance should not prevent any officer/staff member from relaying operational or safety critical information to those involved in the ongoing management of the incident or operation. If there is a necessity to provide such information to another person then, in order to ensure transparency and maintain public confidence, the fact that conferring has taken place must be documented,, highlighting:

- time, date and place where conferring took place
- the issues discussed
- with whom
- the reasons for such discussion.

Role of the post-incident manager

The PIM facilitates, manages and ensures the integrity of the post-incident procedure. Chief officers must ensure that appropriately selected, trained, assessed and accredited PIMs are available.

When an officer or member of police staff has attended and satisfactorily completed a course of instruction based on this post-incident module, they will be assessed as occupationally competent to perform the role of a PIM.

Chief officers are responsible for ensuring PIMs maintain operational competence by regularly performing the role or actively participating in relevant continuing professional development. Forces should consider implementing an auditable period of shadowing, mentoring and performance review as a means of achieving operational competence.

Refresher training and reaccreditation

PIMs must undertake annual refresher training. On completing this, a PIM's operational competence should be formally approved by a chief officer, or a person nominated by them. Forces should maintain records of an individual's refresher training as proof of competence.

PIMs must be formally reaccredited at least every five years, but consideration should be given to reaccreditation between three to five years, depending on operational exposure.

Nominating a PIM following an incident

The force which key police witnesses belong to will usually nominate a PIM. This will apply to any policing incident or operation, including those which cross force boundaries. Appropriate support should be available from the force in whose area the incident occurs.

Forces should consider the possibility of incidents crossing force boundaries and have appropriate joint operational force and regional protocols to deal with post-incident procedures. PIMs often perform their role as part of a PIM team, under the direction of an overall PIM.

Initial PIM responsibilities

Further information

[Post-incident responsibilities](#)

[Stage two – PIM basic facts](#)

The PIM should make and record an early decision on which officers and staff will be considered key police witnesses. They should make this in conjunction with the chief officer or delegated senior officer responsible for the post-incident procedures, the FDO and the IIO. The outcome of this decision will depend on the incident's circumstances.

The PIM's responsibilities will normally commence following the return of key police witnesses to a police station or other area where post-incident procedures will take place. In some situations (eg, where the officers/staff are delayed at the scene), it may be appropriate for the PIM to go to the scene.

The PIM's role is to:

- facilitate the investigation
- ensure integrity of post-incident procedures
- explain post-incident procedures and developments to key police witnesses
- consider the need to separate key police witnesses and record associated decisions or arrangements
- keep key police witnesses informed of developments.

Anonymity of officers and staff

If there are specific concerns for the safety of key police witnesses and their families, anonymity should be addressed at an early stage. The PIM should ensure that action is taken to maintain anonymity until it can be safely concluded that anonymity is no longer necessary.

Where there is a legal obligation for a key police witness to provide personal details, such as under the Road Traffic Act, the implications should be discussed with the IIO and IIA. If there is any uncertainty, the PIM should approach the chief officer responsible for the post-incident procedures for advice.

It should be explained to officers/staff involved that anonymity may have to be lifted at some stage, for instance because of a challenge in subsequent legal proceedings.

Measures to preserve the anonymity of key police witnesses include:

- maintaining a list of the names of officers/staff involved in the incident (which should be protectively marked as appropriate)
- using anonymous references (eg, 'A', 'B' or 'C') at an early stage (with a list of such references compiled for inclusion in documents)
- securing and restricting access to systems and documents containing details of key police witnesses (with appropriate protective marking and other measures)
- omitting officer/staff details and identity from communications and circulations, including media releases
- advising all officers/staff of their responsibility to maintain appropriate confidentiality

- advising the IIA, Crown Prosecution Service and other agencies that anonymous references have been used and requesting that anonymity be retained until the chief officer or the officer in question has had the opportunity to make representations.

Where a pseudonym is given to a key police witness this decision and the supporting rationale should be recorded. A written record of the key police witness' real name and their associated pseudonym should be maintained. This process should be managed, and decisions regarding anonymity considered and ratified by a chief officer. Following such ratification, the force's PSD should provide a copy to the IIA as soon as is practicable and record the transfer of this information between named individuals.

Equipment and exhibits

On return to the post-incident procedures location, or before if appropriate, secure and preserve personal protective equipment or other equipment that has been used or is relevant to the incident. Handle and secure equipment involved in an incident in a manner that maintains the forensic integrity of the exhibits.

Consideration should be given to photographing or videoing the process, maintaining anonymity where appropriate. Where this is not practicable, a detailed record of the relevant equipment's condition should be completed.

All equipment should be dealt with in a manner which ensures that safety, recording and accountability are properly addressed. IIOs will, in liaison with the IIA (where involved) consider which equipment is required to be secured as exhibits and whether clothing should be secured or officers/staff examined for forensic traces. They should outline this decision to the officers/staff, and their representatives, in person. To avoid danger of cross-contamination, a person who has not been in contact with the deceased or seriously injured person should secure the equipment.

All officers/staff involved in an incident are required to assist with the forensic preservation of their equipment. The PIM or officer coordinating collection of exhibits should ensure that they are handed over to the appointed exhibits officer at the post-incident management suite or other appropriate location. This should be done in a controlled manner by an appropriately trained person.

Key police witnesses do not have to await the conclusion of the scene examination before their equipment or other exhibits are taken for examination. Where equipment is examined and no longer required as evidence, arrangements should be made, in liaison with the IIA (where involved), for it to be returned to the relevant department as soon as practicable.

No dispute over who used force (where force is used)

If there is no foreseeable dispute as to who used force, there may be no requirement for other measures to identify officers/staff, however, post-incident procedures should still be complied with. Measures such as securing clothing or taking swab samples to forensically identify officers/staff involved will normally only be adopted in exceptional circumstances.

When an investigating officer considers it necessary to obtain additional forensic evidence from officers/staff, the PIM will record the rationale and discuss it with the IIO. If the IIO requires additional forensic evidence, the PIM will explain the rationale to the officers/staff concerned and make a record in their policy log. If clothing is to be taken, suitable alternative clothing must be provided.

Welfare considerations

The welfare needs of officers and staff should be addressed throughout post-incident procedures. Considerations include:

- first aid and other medical assistance
- securing equipment
- access to legal, federation, staff association or union advice
- providing refreshments
- toilet access
- making phone calls to immediate family members or partners regarding officers'/staff wellbeing and possible retention on duty
- showering and appropriate change of clothes (giving due regard to any forensic matters to be addressed)
- keeping officers/staff updated regarding developments and how long they may be asked to remain on duty
- .

Legal advice and support

Key police witnesses should be supported during the post incident procedure by the PIM, and given the opportunity to consult representatives of their staff association or union as soon as practicable. Every effort should be made to ensure that early professional legal advice is made available in appropriate cases. This is particularly important where officers/staff have used force, as they may be subject to an investigation which can include potential conduct and/or criminal offences. Longer term support should also be provided by their supervisors or line manager where appropriate.

Medical examination

A registered medical practitioner should examine officers and staff where appropriate, subject to their consent, as they may have suffered an injury they are not aware of. All officers/staff should check for such injuries to themselves and their colleagues.

Where a registered medical practitioner is called to examine an officer/staff member, they should be briefed about the background of the incident and the reasons for the examination. Any other information or personal circumstances which may be relevant to the examination should be provided.(see anonymity).

The most appropriate supervisor to brief the registered medical practitioner may be the PIM or a member of their team. This briefing should be documented.

Welfare support

A DSI may affect those involved differently. It is not possible to say who may be affected and to what extent. Those affected, however, may include people at the scene and those who were directing resources (including control room staff and those making critical decisions). Officers and staff who have not been directly involved or suffered injury may also be or appear to be traumatised or in a state of shock.

All involved in an incident, whether or not they are key police witnesses, should be able to receive support from the occupational health unit or a professional health adviser. If possible, this opportunity should be provided within 72 hours.

Providing accounts

Further information

[IOPC Police Witness Policy](#)

APP counter corruption

Where DSI occurs, there will be a requirement for those involved to provide relevant information in a number of formats. This will vary depending on the recipient and the purpose of the information. The information provided may become more detailed as the accuracy of recall evolves.

Effects of trauma on perception and recall

A person involved in a traumatic or life-threatening encounter may experience a range of responses that could affect their perception, memory and recall of key events. These perceptual distortions may subsequently affect the person's ability immediately after the incident to recall what happened accurately, including what may be regarded as important details. Officers or members of staff who subsequently recall further information should record this in an additional account.

Providing information and accounts chronologically is a staged process.

Particular circumstances of the incident may make it unnecessary or inappropriate to include all the stages outlined. Where a key police witness is suspected of a criminal or disciplinary offence, stages three or four may not apply. They will no longer be treated as a witness and should be removed from the post incident procedure. Where a key police witness is unfit to make a personal initial account, stage three will not be appropriate.

None of the guidance below is intended to prevent officers/staff relaying operational and safety critical information to others involved in the ongoing management of the incident or operation.

Stage one – situation report

Where DSI occurs, the FDO and/or force control room must be informed as soon as practicable. This notification may be provided by radio or telephone communication (eg, from an officer or member of staff at the scene of the incident). The information provided should be sufficient to provide a situational report that will enable the FDO to manage the ongoing incident, to assist them with discharging their post-incident responsibilities and to inform the IIA about the incident.

Stage two – PIM basic facts

The PIM is responsible for establishing the basic facts of what has happened. Where possible, this information should come from a source other than the key police witness(s) directly involved in the DSI (see **initial PIM responsibilities**). The basic facts are most likely to be provided at the nominated post-incident location by an individual willing to supply them. The basic facts will be provided (subject to legal advice where appropriate) in either verbal or written format. A staff association or union representative may also be present. It may be appropriate for the PIM to advise all those present of the need to maintain anonymity. The basic facts obtained by the PIM should, where possible, be sufficient to:

- confirm which officers/staff were at the scene or involved in the incident
- describe in brief the role(s) of those at the scene or involved in the incident
- confirm, where relevant, who used force.

The PIM should confirm the basic facts they record or receive with the person providing them for accuracy and time, date and sign them. They should hand the original record to the IIA at the earliest opportunity. The PIM and the person providing the basic facts should retain a copy.

Where the only person able to provide the basic facts has been or may be, identified as a key police witness, the PIM should:

- offer them the opportunity to take legal advice or consult a federation/staff association or union representative before obtaining the information
- be aware of the need to take only basic information
- record, date and time all information provided.

If this is the first account that the key police witness has given, it will be disclosable in court and any differences between this and the key police witness' later account may be challenged.

In obtaining this account the PIM should be mindful that the recall of witnesses can be affected by hearing the accounts of others and should ensure that this potential is avoided.

Stage three – personal initial accounts

Subject to legal and medical advice, key police witnesses should provide a personal initial account of the incident before going off duty.

The personal initial account should consist only of the officer/member of staff's individual recollection of events. Key police witnesses should independently record what they honestly perceived, ie, what they think that they saw, heard and did. The arrangements for the provision of personal initial accounts should be agreed with the IIA, and the process managed by the Appointed Officer.

The purpose of the personal initial account is to record the witness' role, what they believe to be the essential facts and should outline the honestly held belief of the circumstances, including their use of force if force is used. Detailed accounts will be made later.

As far as possible, personal initial accounts should include:

- their identity (or pseudonym if appropriate)
- their understanding of the nature of the operation or incident
- their role in the operation
- where relevant, essential details of their recollection of force being used (eg, the nature of the force used and what the subject was doing at the time the force was used)
- their honestly held belief that resulted in their use of force, if the officer or member of staff used force.

Each personal initial account should be written, signed and dated.

The same guidance relating to conferring applies to personal accounts and detailed accounts.

Stage four – detailed accounts, statements and interviews

Detailed accounts are not normally obtained immediately. They can be left until the key police witnesses involved in the incident are better able to articulate their experience in a coherent and detailed format. This is usually after at least 48 hours, but may be earlier for those key police witnesses not adversely affected by the incident.

The detailed account should include the witness' full recollection of the incident, including the matters set out under personal initial accounts.

Statements

The IIA may wish to have detailed statements from witnesses. These statements may be taken by the IIA or be provided by the witnesses themselves. How the statements are obtained or provided will be decided by individual witnesses, subject to the legal advice they receive. Where officers/staff decide to provide their own statements, these should be submitted to the IIA within seven days of the incident (except in exceptional circumstances).

Interviews

The police service should be guided by the [Code of Ethics and standards of professional behaviour](#) and operates on the basis of openness and transparency. This is essential to maintaining and enhancing a positive relationship between the police and the public.

Under the **Police (Complaints and Conduct) Regulations 2013**, the IOPC has a power to compel police witnesses to attend an interview. Where this power is invoked and the police witness is unable to attend an interview on the date requested, the witness must propose a reasonable date and time within five working days of the date specified by the investigator.

Police witnesses may be accompanied during the interview (e.g. by legal advisor, staff association, Federation or union representative) and cannot be compelled to answer

questions. How a police witness provides their detailed account will be subject to the legal advice they receive but will ultimately be for the police witness to decide.

Reference material

Reference material may include:

- body-worn video (BWV) footage
- incident logs
- notes taken at the scene or during the incident
- command logs.

Any available reference material, documentation and BWV footage that may be relevant to a DSI following police contact will be essential to the subsequent investigation, and should be secured and managed appropriately.

The PIM has responsibility for determining whether an officer/staff member may refer to an item of reference material when providing their accounts and should take all such decisions in consultation with the IIA.

There may be circumstances where there is a difference between what has been captured in reference material and what the officer/staff member has recalled and reported in their personal initial account. The difference may be understandable and may be explained in the detailed account, after they have viewed the relevant reference material.

Personal initial accounts

There is no legal restriction on a key police witness viewing their own BWV footage prior to making their personal initial account. The potential impact on the individual's perception and recollection of events, however, makes viewing such footage inadvisable prior to completing the personal initial account.

It may be appropriate for a key police witness to view or listen to other types of reference material, such as log information, contemporaneous audio or written notes, before providing a personal initial account. Such material may have captured information that helps them accurately recall relevant and essential information.

Detailed account

A key police witness to a DSI should generally be permitted to view their own BWV footage prior to completing their detailed account, as this may reveal differences between what they initially recalled and reported and what was recorded by BWV. In such a situation, they may then be able explain any discrepancy identified in their detailed account.

There may be circumstances where it is appropriate for one key police witness to view another person's BWV footage, for example, where two officers/members of staff were acting in close proximity and one BWV did not record.

An early requirement for information

There may be circumstances where it is critical, for operational or safety reasons, for officers/staff to provide more detailed information at an earlier stage. This could be to address issues associated with a person who is now in custody or in relation to an ongoing criminal investigation, for example, where a person was not arrested at the scene.

Each individual police officer and member of staff involved in the incident is responsible for ensuring that any information relevant to the investigation is reported, recorded and retained. This information should include each individual's observations relating to the incident and any accounts received from witnesses. Once those involved have been able to make their initial accounts, the PIM will make arrangements to secure these accounts and make them available to the investigative authority.

Separating key police witnesses

As soon as it is known that a DSI following police contact has occurred, or is likely to, the FDO should consider and decide whether key police witnesses should be separated to prevent conferring. Where practicable this should be done in consultation with the PIM. The PIM or responsible chief officer will review and supersede a decision whether to separate key police witnesses at a later stage, as appropriate.

Officers/staff need not be separated as a matter of routine. The decision on whether or not to separate key police witnesses should be based on the consideration of three separate questions in turn:

1. Is separation safe?

Officers/staff should never be separated unless and until it is operationally safe to do.

2. Is separation necessary?

The FDO may consider that separation is necessary to prevent conferring where there are reasonable grounds to suspect that either:

- a key police witness has committed a criminal offence
- a key police witness has committed a disciplinary offence

or

- this guidance is not being complied with and officers/staff may confer inappropriately.

Where there are no such reasonable grounds and where there are sufficient control measures in place to prevent inappropriate conferring (such as the presence of an appointed officer or representative of the IIO or IIA), separation is unlikely to be necessary.

3. Is separation practical?

If it is operationally safe to separate officers/staff, and if the FDO decides that it is necessary to separate officers/staff, they must consider whether it is practical to do so, based on:

- the location of the incident
- the number of officers/staff who might need to be separated
- the resources available to achieve separation.

The decision-making hierarchy

Safety must be the foremost consideration. Where separation is safe, necessity should then be considered. If both safe and necessary, separation may occur only where it is practical in the operational circumstances. For example, if separating officers/staff is practical but not necessary, it is not required. Separation should never occur when it is not safe under the circumstances.

Record keeping

The rationale for any decision to separate or not to separate key police witnesses should be recorded, together with the measures put in place to prevent conferring.

Integrity

Further information

[The College of Policing \(2014\) Code of Ethics](#) is a code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales.

The [Code of Ethics](#) states that accountability, honesty, integrity and openness are key policing principles. Paragraph 4.4 states: 'You will have to account for any use of force, in other words justify it based upon your honestly held belief at the time that you used the force'.

Police officers and staff should ensure that all activity is transparent and capable of withstanding scrutiny. Where an officer or member of staff has concerns that the integrity of the process is not being maintained, they must immediately bring their concerns to the attention of the person in charge of the post-incident process and ensure they are documented. Officers and staff are entitled to legal advice and support.

Officers/staff involved in the incident should avoid discussing the detail with officers and staff not involved in the incident, unless there is an operational imperative to do so. This is to prevent rumours and to protect the identity of those involved.

Supervision by an appointed officer

A chief officer is ultimately responsible for initiating and managing the post-incident procedure. The chief officer should appoint an officer to supervise gathering officers' evidence and ensure compliance with the guidance on conferring before their accounts are recorded.

The officer appointed should, where practicable, be of substantive inspector rank (or equivalent) and be an accredited PIM. They must be appointed in addition to the PIM and not have held an operational or investigatory role in the originating incident. Their responsibility for ensuring compliance with guidance begins when the key police witnesses arrive at the post-incident suite. Responsibilities include supervising key police witnesses while they make personal initial accounts and detailed accounts (unless such accounts are provided during an interview or are recorded).

The appointed officer must fully record their observations and actions. The following support may be appropriate:

- establishing who the key police witnesses are
- ensuring access to legal representation/staff association/trade union or force legal services where necessary or requested
- reinforcing the guidance on conferring to all key police witnesses
- preventing any inappropriate conferring
- ensuring that any reference material used by officers/staff is secured and handed to investigators against a receipt/exhibit number
- documenting the process by which accounts are provided (including interruptions, breaks, abstractions and any conferring)
- ensuring that all accounts are time-stamped by those making them as soon as practicable after completion.

Supervision by the IIA

Where the IIA requests access to the post-incident suite, it should be provided. This access should be managed by the PIM and will not relate to medical examinations or private consultation with legal or staff association representatives.

Security and welfare of officers and staff

The PIM will initiate an early threat assessment to determine whether there are any security issues that may affect any police officers or staff involved in the incident. This will allow the PIM to recommend that the force puts the appropriate control measures in place to ensure the safety of the officer(s) and staff and, where necessary, their families. An ongoing threat assessment process will continue until it is no longer required.

By their very nature, incidents resulting in DSI following contact with the police attract public interest and can be highly emotive and stressful for all involved. As a consequence, the investigative function and the chief officer's duty of care to officers and police staff involved must be high priority. This also extends to [welfare](#), including physical, psychological and medical support. Additionally, police staff associations and unions have arrangements for providing advice, support, and legal advice to their members.

In facilitating these services, investigating officers, post-incident managers (PIMs), and staff association and union representatives have distinct roles which include demonstrating integrity in all communications between each other and in record-making and debrief procedures and processes

Key police witness' families and homes

Relevant force(s) should consider whether the families of the key police witnesses involved will require extended welfare, medical and professional support from force occupational health and welfare advisers. Forces should alert families to the possible reactions of those involved in such incidents and give them the opportunity to discuss this situation.

Consider the security of a key police witness' home at an early stage. The cost of any appropriate measures, such as installing a panic alarm direct to the nearest police station and improved locks should be met by the witness' force. Forces should have a policy on providing security and anonymity in appropriate cases.

Family liaison

Further information

APP on [family liaison](#)

In any incident where a person(s) other than a police officer or member of police staff has died or been seriously injured following police contact, consider using family liaison officers. Depending on the circumstances, this will often be the IIA's responsibility.

Defusing

Defusing is a short and informal welfare focussed process designed to give immediate support to staff. Where practicable this should be facilitated by trained staff and should take place as soon as possible after the event and, in any case, prior to concluding duty. Where appropriate Occupational Health support should be considered. The defusing process may help officers and staff recognise and manage the reactions and emotions they are experiencing or may experience as a result of what they have been involved in. Care should be taken to ensure that matters directly relevant to the incident are not discussed in order to ensure that any subsequent accounts are not contaminated.

Early support

Consideration should be given to having a suitable person (eg, a trusted colleague not otherwise involved in the incident) assigned to stay with an officer or member of staff who has, or appears to have been, traumatised or significantly affected during the hours immediately following the incident. In appropriate cases, this person should subsequently accompany the person home.

Special leave or suspension from duty

Special or administrative leave may be granted to a key police witness when appropriate. There may, however, be circumstances where such leave is not in their best interests. The individual, and their staff association or union, should be consulted.

Suspension from duty should not be routine. When it is necessary to suspend a key police witness, this should be done in accordance with force policy. They should still be able to contact colleagues in the police service, provided this will not compromise any subsequent investigation, and should continue to receive appropriate medical and welfare support.

Authorisation

An individual's authorisation to perform a particular role or task should not automatically be removed because of their involvement in an incident, nor should they be automatically excluded from training or other related duties.

The force should make an evidence-based assessment in consultation with the IIA, the force PSD and the occupational health advice provider as to when officers/staff should be permitted to resume their duties.

A chief officer should regularly review any decision to restrict or remove a key police witness from their core role, in consultation with the IIA.

Debriefing

Safety critical debriefing

Where a DSI has occurred, an early debrief should be considered where potentially time critical safety issues have been identified. Where such a debrief is being considered prior to the provision of KPW accounts, the IIA should be consulted. Prior to officers/staff finishing duty, the senior supervisory officer should also consider if there are any outstanding issues that need to be addressed.

Large or protracted operations should include arrangements for a specific debriefing session in order to learn lessons and identify promising practices or areas for development related to, for example, command structure and processes, tactics and/or equipment used. All debriefs should be documented.

Organisational learning debrief

It may be appropriate to undertake an organisational learning debrief when the criteria for post-incident investigation have been met and an independent investigation has commenced.

Organisational learning debriefs provide an opportunity to identify potential safety-related improvements. Forces should use the information collated in organisational debriefs to inform a wider analysis of patterns and trends so that they can regularly challenge and improve methods and procedures.

Where conducted in the context of a post-incident investigation, careful facilitation and identified terms of reference are required in order to ensure that the matters discussed do not compromise the independent investigation.

Such a debrief should only take place after providing detailed accounts or evidential statements to the IIA and an indication that, having considered available evidence, there is no suggestion of criminal action or misconduct on the part of anyone attending the debrief. Where such criminal acts or misconduct have been identified, this should be taken into account in determining whether a debrief is appropriate. Legal advice should be obtained as appropriate.

The IIA and, where required, the police senior investigating officer for the crime investigation relating to the original incident should be informed that an organisational learning debrief is being considered and provided with the terms of reference. Any observations or objections should be documented for consideration when a decision is made on whether such a debrief is appropriate under the circumstances.

Is an organisational learning debrief appropriate?

Although any decision to undertake an organisational learning debrief while an independent investigation is ongoing will be based on the facts, in general terms the most likely areas for consideration will be:

- safety
- asset allocation
- supervision arrangements (where appropriate)
- policing response to the incident.

It is not appropriate to address the specific actions of individuals, evidential issues relating to witness accounts or scene and post-incident management during such a debrief.

The decision relating to conducting an organisational learning debrief should be taken by an individual who did not perform an operational or command role in the incident being debriefed. This decision and its supporting rationale should be recorded.

Who should conduct an organisational learning debrief?

The individual(s) tasked with facilitating the debrief should have an appropriate knowledge of local and national guidance pertinent to the incident and should be an accredited PIM who did not perform an operational or command role in said incident. Where this cannot be achieved a trained debriefer, supported by a PIM, should be used.

Record keeping

A record of those attending the debrief, and a suitable summary of the discussions should be maintained. This summary should include areas of possible good practice and areas for development which will support the organisational learning and improvement. If officers/staff have been anonymised, the debriefing process should not undermine this.

Documentation and disclosure

All original documents and statements generated as a result of an incident must be handed to the force PSD or IIA at the earliest opportunity. See **Reference material** above.

All material obtained in the course of an investigation that may be relevant to the investigation must be retained for disclosure purposes.

Media releases

Subject to any operational reasons, a cooperative and open media strategy should be formulated in consultation with the IIA. A clear factual account of the incident should be provided at the earliest opportunity and great care must be taken to avoid compromising any subsequent judicial proceedings. Any media strategy should be formulated in accordance with existing protocols with the relevant IIA. (e.g. media protocol between NPCC and the IOPC) **Hyperlink this to**

https://www.policeconduct.gov.uk/sites/default/files/Documents/Who-we-are/Our-Policies/IOPC-NPCC_Joint_Media_Updated_Protocol_2018.pdf

It may be appropriate to share information publicly prior to a decision being taken by the IIA regarding the requirement for an independent investigation. Such a media release may include;

- Why something has been referred to the IOPC / reassurance that the incident has been referred to an independent body
- Information and circumstances around a pre-planned or intelligence-led operation that has led to a referral to the IOPC or an IOPC investigation
- Factually correct information about (for example) why police were in the area or numbers of police in the area
- Commentary on any parallel criminal investigation by the police
- Other matters impacting on local people or the wider public interest

Once an investigation has been designated as independent or managed, the IIA will take the media lead in relation to its investigation

Further information

Corporate communication (traditional media)

Precautions should be taken to protect the officers/staff and their families from unwanted publicity. The PIM must ensure that, where practicable, the key police witnesses and their representatives are informed of all media releases prior to their circulation, and may make representations on their behalf. This may prompt officers/staff to consider their families and others likely to be affected by a media release and allow them to make early arrangements to cater for any foreseeable problems.

The safety and welfare of officers/staff and, where appropriate, any information that might unintentionally identify officers/staff concerned with the incident should not be passed to the media. Preserve officer and staff anonymity. In addition, exercise sensitivity in completing internal force publications or reports concerning the incident. Care must be taken when using communications systems, including mobile phones.

Progress of the inquiry

The [Police Reform Act 2002](#) (England and Wales) requires that all interested persons should be kept informed of the progress of the inquiry. Where the investigation is being undertaken by the IIA this will be their responsibility. Forces should put procedures in place to ensure that regular updates are provided. The host force should consider providing an ongoing PIM or force liaison officer (either full or part-time) to facilitate this.

Procedures for providing updates may include a meeting with officers/staff involved in an incident, as soon as practicable after it has occurred and, in any event, providing the officers/staff and their representatives with terms of reference of the investigation within 48 hours.

It will be normal for the IIA to brief the force concerned on the current status of the investigation, usually no later than 28 days after the incident.

Post-incident responsibilities

The following is a summary of some of the post-incident roles and responsibilities referred to above:

The incident supervisor (where relevant):

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives
- liaises with the IIO and, where necessary, with the scene of crime officer.

The FDO:

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives

- considers the safety of the public and police personnel and the immediate welfare of casualties
- considers which officers/staff are to be treated as key police witnesses (in conjunction with the chief officer or delegated senior officer, IIO and PIM)
- considers whether key police witnesses need to be separated
- ensures the transfer of officers/staff to the post-incident location and assists in identifying key police witnesses
- establishes the facts of what has taken place and ensures all relevant information is recorded
- informs the force chief officer (or delegated senior officer) of the incident
- determines the rendezvous point for incoming resources
- briefs and formally hands over to the IIO
- briefs the force chief officer (or delegated senior officer)
- Ensures that KPW(s) staff associations/trade unions been notified by the PIM.

The chief officer (or delegated senior officer):

- remains in a position to maintain command until the strategic intention of the operation is achieved or they are relieved
- continues to be available to the FDO if required
- has overall responsibility for post-incident procedures
- initiates the post-incident investigation (including informing the IIA)
- ensures that the investigation and welfare procedures are implemented
- appoints a PIM
- appoints an IIO
- assigns the appointed officer
- ensures that the key police witnesses are identified
- considers referral to the IIA
- subject to referral to the IIA, agrees the media strategy
- ensures that all relevant information is recorded.

The IIO:

- has early dialogue with the IIA to agree responsibilities and key actions

- opens a policy log and ensures all relevant information and decisions are recorded, including issues of anonymity
- agrees initial terms of reference with the chief officer or delegated senior officer
- identifies and preserves evidence
- ensures effective scene management
- considers which officers/staff are to be treated as key police witnesses (in conjunction with the chief officer or delegated senior officer, PIM and FDO)
- identifies and considers relevant national guidelines
- liaises with the FDO on initial action at the scene
- liaises with chief officers on media policy
- liaises with and consults the PIM
- makes early contact with the appointed investigator from the IIA
- carries out those enquiries deemed urgent and those that may assist in collating evidence which may be lost prior to the arrival of the investigator from the IIA
- agrees initial objectives in relation to forensic evidence
- makes early contact with the pathologist (where appropriate)
- liaises with the scientific support coordinator.

The PIM:

- opens a policy log and ensures all relevant information and decisions are recorded, including issues relating to anonymity
- considers which officers and staff are to be treated as key police witnesses (in conjunction with the chief officer or delegated senior officer, IIO and FDO)
- establishes immediate contact with the key police witnesses and ensures that they are given immediate support
- reminds key police witnesses of their responsibilities regarding the discussion of the incident with colleagues (see **Conferring**)
- considers whether to assign a member of the PIM team to each key police witness
- advises all relevant members of staff that post-incident procedures have been implemented and explains the PIM role
- meets the IIO or any representative from the IIA

- takes measures to ensure the physical and emotional wellbeing of the staff involved
- considers the attendance of a doctor or health adviser
- ensures access to telephones to enable officers/staff to contact relatives or friends
- informs relevant departments and agencies of the need to attend, if required (eg, the occupational health unit, doctor or forensic medical examiner and staff associations/trade union as appropriate)
- ensures that any necessary forensic procedures are dealt with as early as possible and that officers/staff are fully informed of the relevance of the procedures (eg, seizing exhibits)
- facilitates the process in which police officers and staff provide initial accounts and ensures these (where made) are provided to the investigator
- secures early legal advice or representation if requested by a represented KPW
- decides whether a key police witness may refer to an item of reference material when providing their accounts (this decision should be made in consultation with the IIA)
- maintains dialogue with the IIO and addresses issues with them, including press releases and the progress of the investigation, to update staff involved.

The appointed officer

The appointed officer must fully record their observations and actions. The following support to the PIM may be appropriate:

- establishing who the key police witnesses are
- ensuring access to legal representation/staff association/trade union or force legal services where necessary or requested
- reinforcing the guidance on conferring to all key police witnesses
- preventing any inappropriate conferring (and review the decision to separate where appropriate)
- ensuring that any reference material used by the officers/staff is secured and handed to investigators against a receipt/exhibit number
- documenting the process by which accounts are provided (including interruptions, breaks, abstractions and any conferring)

- ensuring that all accounts are time-stamped by those making them as soon as practicable after completion.

DRAFT



Name of meeting: Professional Committee
Date of meeting: 12th December 2018
Item lead at meeting: Richard Bennett
Agenda item number: 9
Title of paper: **Update on the APP on post incident procedures (PIP) to be adopted following a death or serious injury (DSI) subsequent to police contact (DSI-PIP)**

1. **Issue** An update on the development, publication and implementation of Authorised Professional Practice (APP) for DSI PIP.

2. Recommendation

2.1. That Committee notes the update on development and publication and supports the proposals to develop an implementation plan (and associated briefing/learning support) for DSI-PIP APP.

3. Summary

- 3.1 Inconsistency of UK police practice where a DSI following police contact occurs has repeatedly been subject of comment by the IOPC (and previously the IPCC) and others including in the Angiolini review of deaths in police custody. APP for such incidents resulting from the discharge of police firearms and CED (Taser) has existed for many years and is now embedded and well understood by those implementing, managing and subject of the procedure. The current absence of clear guidance for non firearms DSI incidents presents a significant vulnerability for the police service.
- 3.2 The draft DSI-PIP APP mirrors the procedural principles of armed policing APP, whilst recognising and accommodating the necessary operational and contextual differences. It provides guidance and direction intended to support the compliance of forces with legal and procedural requirements (including Article 2 ECHR obligations) describing the investigative considerations and obligations together with officer and staff welfare, responsibilities for key roles and the chronology and detail in respect of accounts. It supports organisational learning and provides a scaleable process which may be applied to any DSI circumstances and subsequent investigation, whether carried out by the force's professional standards department or by the relevant independent investigative authority.
- 3.3 The introduction of DSI-PIP APP will require an associated programme of learning and awareness to ensure that all staff who may be subject of the procedure, or have specific responsibility within it, are fully aware of the implications.

4. Background Information

4.1 The introduction of DSI-PIP APP is consistent with the College objective of 'Setting standards for key areas of policing which help forces and individuals provide consistency and better service for the public'.

- 4.2 The College of Policing carried out public consultation (via the public facing APP consultation site) on the guidance between 3rd July & 14th August 2018. The following were specifically made aware of the consultation:
- Chief Officers (via Chiefs' Net)
 - NPCC leads for those areas of practice to which DSI incidents are most often related (firearms, CED, RP, pursuits, custody, response, call handling, public order, self-defence and restraint, MH, suicide prevention and surveillance)
 - Home Office
 - PFEW, Superintendents' association and unions
 - APCC
 - IOPC.
- 4.3 An overview of the consultation process is provided at Appendix A and all feedback content can be made available on request. The feedback and appetite for bespoke APP was overwhelmingly positive.
- 4.4 There is significant external stakeholder interest, (particularly from the IOPC, PFEW and the Home Office), in the implementation of appropriate guidance for DSI-PIP APP. All are supportive of a consistent approach to such incidents across policing & police forces.
- 4.5 In particular the IOPC has recently published 'Draft statutory guidance for the police service on achieving best evidence in DSI matters'. This document is currently being considered by the Home Secretary and is broadly consistent (albeit not identical) with the DSI-PIP APP.
- 4.6 The police service had concerns that an earlier draft of the IOPC draft guidance which required the separation of key policing witnesses in every DSI incident. The IOPC has recognised the extent to which the APP has converged with their draft guidance and they have provided positive feedback of recent practical implementations of the armed policing PIP APP. Consequently the latest draft refers to separation being the 'preferred' approach of the IOPC but recognises that other steps can be taken to prevent unnecessary conferring among key witnesses. Armed Policing PIP APP requires that separation should always be 'considered' and implemented when safe, practical and necessary with the rationale for the decision recorded.
- 4.7 There will be a requirement to train and/or familiarise those within the police service regarding the DSI-PIP guidance, particularly those in contact with the public or who may have defined responsibilities within the APP due to their role within respective organisations. Forces will need to develop local policies/processes which are consistent with APP.
- 4.8 Further discussions are required with NPCC nominated representatives from those areas of business most likely to be affected by DSI PIP to reach agreement on the focus and scale of briefing or training required. (E.g. Road Policing, Control Room/Contact Management, response, POPS, MH, PSD, LLW, custody). It will then be necessary to develop appropriate briefing/learning products (e.g. IDLDP, MLE).
- 4.9 Further discussion is required with the IOPC and PSD community to assess and address the practicalities of implementation.
- 4.10 It would also be beneficial to review the impact of the guidance on DSI PIP practice following implementation and embedding.

5. Annexes

5.1 Annex A – Summary of DSI-PIP APP consultation

5.2 Annex B – DSI-PIP APP

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College of
Policing

**OPERATION
HYDRANT**

Coordinating the response
to non recent sexual abuse

College of Policing Advice to SIOs

Allegations of non-recent child sexual abuse and exploitation

Informed by Operation Hydrant Senior Investigation Officers

November 2018

Better Professionals
For **Better** Policing

Operation Hydrant is the national policing operation established to manage and coordinate the increasing demand on police forces to respond to, investigate and manage non-recent child sexual abuse in institutional settings, or abuse alleged to have been perpetrated by persons of public prominence.

Investigating non-recent abuse, particularly of this nature, often presents significant challenges. Reduced forensic opportunities, difficulty of memory recall, a requirement to support victims and witnesses, together with significant interest shown by the media, are all factors that will affect such an investigation.

This advice draws on the experience of SIOs who have led investigations of this type and experts who specialise in this area of investigation.

Contributors include Operation Hydrant's cadre of SIOs who have experience dealing with these complex cases, and who volunteer their time to mentor, support, or share their learning with colleagues.

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1 Making and receiving a report

SIOs have a crucial role in managing these investigations. They are responsible for developing and implementing policies and strategies that deliver an efficient and effective investigation, balancing the needs of the victims while respecting the rights of the suspect.

The first step in the process of the investigation is for a report to be received. In some cases, there will be an established investigative team already dealing with a criminal enquiry. The SIO is responsible for ensuring that, in cases where an investigation team is established and receives the report, those who receive the report gather all relevant information and evidence.

In other cases, an investigation may not be established or an allegation is made to a third party or another force. Where reports are received elsewhere in the service, the SIO will need to ensure there is a timely assessment of available evidence, gaps and risk of harm. Those cases where a current risk of harm to the victim or others from the suspect remains should be prioritised for action.

Key points

- Victims of non-recent child sexual abuse may not have reported allegations before for a number of reasons.
- Police officers or staff receiving allegations of child sexual abuse must identify and respond to any immediate apparent safeguarding risk.
- An investigation should gather all evidence, both towards and away from the allegation, to enable a judgment to be made by the investigating officer, Crown Prosecution Service (CPS) or court.

1.1 Influences on reporting

Individuals may decide not to report these offences for a number of reasons:

- fear that they were responsible
- fear of reprisal
- fear of impact on their family
- a degree of grooming and control by the abuser

- shame or fear they may not be believed
 - loyalty issues
 - a sense of isolation
-
- the intimate nature of such an offence
 - not understanding that the incident is abuse
 - lack of confidence in the criminal justice system
 - feeling a different culture existed in previous decades
 - memory recall.

The reasons why victims may delay reporting the offence are relevant in relation to identifying appropriate support services (1.1.2 Signposting support services).

Victims of child sexual abuse who report as adults may demonstrate trauma symptoms and have a lowered emotional resilience; therefore a skilled and empathic response is required from the moment a report is first received and throughout the investigation.

Delayed reporting does not suggest a false allegation. Victims who came forward during other investigations reported that their allegations were triggered by becoming aware that the abuser was being investigated for a similar matter, or suspecting that the abuse is continuing against others. A victim may come forward for a sense of closure, a chance to be vindicated, or to acknowledge the impact that the abuse has had on their lives. They may wish to set the record straight and they may feel a sense of duty to report to offer support to others by providing corroborating evidence (NSPCC, 2013).

1.1.1 Report takers' responsibilities

A report may be received in isolation, or may be part of a wider operation. Forces have clear structures and trained staff to respond to reports of non-recent child sexual abuse.

Whether part of force control room staff or working as part of a charity support-line team, the report taker must be able to take a brief account from the person making the report. As a first account, the focus should be on obtaining enough information to ensure a person's safety and establishing the details of the allegation.

Provisions to protect vulnerable people or reduce risk should be put in place for all victims regardless of mental capacity or the historical nature of the abuse. Report takers should seek the advice of a public protection unit in cases of doubt.

The call taker or person receiving the referral should ensure there is no immediate risk to the victim (eg ongoing abuse or suicide risk). They also need to be sure that there is no immediate risk or concern to a third party (eg the suspect or named individual may have access to children through a family member or still be in a position of trust or authority where they have access to children, such as a teacher or doctor).

1.1.2 Signposting support services

SIOs should support forces as early as possible to develop a process to allow report takers to signpost victims to local specialist agencies dealing with non-recent child

abuse. The following are examples of potentially relevant organisations:

National Association for People Abused in Childhood (NAPAC)

National Society for the Prevention of Cruelty to Children (NSPCC)

Mothers of Sexually Abused Children (MOSAC)

Survivors' Network Support Line

Victim Support Survivors UK

Parents Protect

Parents against CSE (PACE)

The Survivors Trust

Rape Crisis

Support for male rape and sexual violence victims.

The organisations named above are only a few of the available options. Investigators should consider identifying specialist agencies to support specific victim needs on a case-by-case basis. Local witness care units should be able to provide advice on the support available (for further information, see [Department of Health \(2016\) Care and Support Statutory Guidance](#)).

1.1.3 Third party reporting

In high profile investigations, reports may be received from third parties with or without the knowledge of the victim. SIOs should consider how first police responders can deal with these allegations. SIOs may consider different options and should ensure that, whatever option is selected, clear advice is given to all those who may receive initial reports:

- Clear advice on where to refer people seeking to report.
- Steps needed to reduce or remove immediate risk of harm to a victim or others.
- Referral to welfare agencies.
- Confidentiality.

There will be occasions where the initial report contains limited information and intelligence regarding the reported abuse. The SIO will need to be sure that thorough intelligence checks are carried out prior to any approach to the victim so as to assess potential vulnerabilities that may exist.

If a report is received from a partner agency, record and investigate it according to local information-sharing protocols.

The SIO should consider developing a memorandum of understanding with organisations that may receive reports that deals with how to access information and how to deal with any sensitive issues. For example, notes made by a social worker in which a victim has given an early account of an inappropriate relationship with a suspect may prove to be of significant evidential value.

1.2 Reporting strategy

SIOs should develop a reporting strategy where there is a likelihood that a number of reports about a person or location will be received. The strategy should support those who might receive those reports and may include:

- instructions to call handlers receiving a cold call
- instructions to an initial investigator with particular reference to taking initial accounts
- using the media/publicity to generate reports
- notification to appropriate support services
 - Consideration of whether suspect details should be put into the public domain
 - Consideration of how to avoid ‘trawling’, see section 2.1.2 for specific advice.

The strategy should achieve a consistent and supportive response to those making reports of incidents. The following actions and mechanisms will assist with providing a consistent response:

- Take immediate steps to assess and manage risk, including signposting victims to support options.
- Using a **master script** (accessed via the Operation Hydrant POLKA community) can promote consistency. Elements include:
 - offering victims a choice of where they wish to provide their initial account and statement
 - explaining the next steps and reasons for different stages in the process, see **Ministry of Justice (2015) Code of Practice for the Victims of Crime**
 - reassuring the victim that they are not being investigated.

1.2.1 Extended support

SIOs should consider any support required for officers, staff and people from other organisations who may receive and action initial reports of abuse. It will be important to address:

- immediate safeguarding needs
- welfare support requirements for those receiving reports
- initial investigative steps that will set the investigation on firm ground.

1.2.2 Mass reporting

It is possible that publicity about an investigation could bring about a large number of reports. Reports may be made to police and other organisations, such as charities.

There may be a delay in police investigators taking initial accounts, and those who are likely to receive allegations should be informed of probable next steps and timescales. This is so victims can be given clear and accurate information.

1.2.3 Risk assessment and management

SIOs should consider the advice they should give to those receiving allegations about risk assessment and management (see **3 Investigation management** and **1.2 Reporting strategy**).

In all cases, a victim engagement strategy should be developed early, regardless of the type of report (alive or deceased suspect). This strategy should clearly inform victims of when they are likely to be re-contacted and establish how they would like to be contacted, bearing in mind the impact of reporting and that the victim's family may not be aware they were a victim of child sexual abuse. Any timeframe given to a victim regarding re-contact should be realistic, achievable and should be met.

The SIO strategy for managing mass reporting may include:

- establishing a helpline with a national charity – this form of partnership can bring benefits to the victim and the investigation where a national approach is required, can give individuals the confidence to speak about their experience and can provide an effective information flow/line of communication
- creating a script or questions list to enable categorisation of cases so that risk of harm and immediate lines of enquiry are identified
- providing the charity or other call handlers with a background briefing, ensuring that the details support those receiving calls to respond sensitively and obtain information and evidence, but that avoids the potential for inadvertently providing information to the caller that is not already in the public domain
- developing a risk assessment strategy to ensure safeguarding protocols are in place – for further information on information sharing
- establishing crime recording obligations.

In line with Home Office Counting Rules, a victim's account should be recorded as a crime to allow the allegation to be investigated further. For each investigation they manage, SIOs should consider the crime recording requirements necessary within the investigation.

This is particularly the case where mass reporting is expected, spanning a number of years over numerous force areas. The SIO should consult the force crime registrar at the earliest stage to agree the approach and make a record of the policy relative to it.

1.2.4 Initial response to receiving a report

As SIO it is important to establish:

- Whether it will be possible to see all of the victims and in what timescales.
- That victims are given the opportunity to fully understand what process will follow with the investigation. Managing victims' expectations from the outset allows them to gain trust and confidence in the investigation and fully understand the timescales. Victims should be informed, at an early stage, that the investigation will seek all relevant evidence and that the accounts of both victims and suspects will be tested.

- What information can be shared with victims, as victims may choose to subsequently share any information provided on social media or otherwise put it in the public domain (see media and communications) – consider implementing a plan to mitigate and manage any potential risk.
- How evidence is to be recorded.
- Whether to request mutual aid through the National Police Coordination Centre (NPoCC).
- Forensic opportunities (consider a strategy discussion with a forensic examiner – late examination may offer important forensic and clinical information, address any health issues and allow the therapeutic process to begin).
- The most appropriate people to meet the victims, taking into account a number of issues including team skills – achieving best evidence (ABE), sexual offences investigative techniques, HOLMES-trained staff, PIP 2 specialist interviewers, natural empathy, experience, and staff welfare.

1.2.6 NSPCC

The National Society for the Prevention of Cruelty to Children (NSPCC), is one of the most commonly used points of contact for adult victims/survivors to disclose childhood abuse. NSPCC records and procedures then become relevant to investigation teams.

The following advice is intended to provide investigators with an understanding of what records are likely to be in existence and how the NSPCC protect the anonymity of the caller.

Anonymity Policy

NSPCC Helpline Practitioners will always encourage callers to consent to sharing their identity and contact information with agencies in the interest of safeguarding. Unfortunately, this is not possible when a caller uses an online reporting form and chooses not to provide their contact information.

Regardless of the caller's anonymity preferences, if the NSPCC Helpline is provided with information to suggest that any child or adult is at immediate or imminent risk of significant harm, and it is clear that agencies such as Law Enforcement Agencies (LEAs) or local authorities will be unable to take appropriate safeguarding action without having access to the callers's identity, the NSPCC will disclose all available information at the point of initial referral, without waiting for a request from Police.

The three options available to Helpline callers are as follows:

1. Anonymous – no personal details provided by the caller to the NSPCC.

In these cases, there is nothing that the Helpline can reveal to identify the caller. However, the NSPCC will consider a data protection request in respect of call or online contact details to facilitate a subscriber check. Each request of this nature will be considered on its own merits. In some circumstances, NSPCC may resist the request in order to protect the rights of the caller to remain anonymous. However, they are very much alive to any applications that identify any current safeguarding risk or threat to life that may be mitigated by releasing the information requested.

2. Details are provided by the caller to the NSPCC but the caller does not wish for their personal details to be passed beyond the organisation.

For this category, the NSPCC policy is to contact the caller and seek their consent to disclose their details if requested to do so by a LEA. They will generally make up to three attempts to contact the caller before concluding the matter.

3. Details are provided by the caller along with their consent for the NSPCC to disseminate to LEAs.

Contact falling into the third category is straightforward, and the NSPCC will provide everything they have to a LEA.

1.2.7 Third party/evidence of first disclosure

The second issue commonly raised is gaining access to NSPCC records for disclosure purposes, or obtaining evidence where the call was the first known notification of an allegation. NSPCC policy is to record all voice calls and retain all emails and online reporting forms.

Following any contact, the NSPCC call taker will very carefully summarise the call on a 'call log' and whilst this is never verbatim, great emphasis is placed upon accuracy.

To gain access to the material mentioned requires a data protection request, which is subject to the aforementioned anonymity policy.

Where caller consent is available, everything is provided (unless it contains material that refers to a third party in which case some redaction may be necessary).

Where consent is not provided, they will consider a data protection request on merit, as discussed under 'anonymity policy'.

Where the NSPCC is requested to provide 'first notification' evidence, this will be provided in the form of a brief statement exhibiting the recording/email as appropriate.

Data Protection Requests should be sent to dataprotectionofficer@nspcc.org.uk. The team operates Monday-Friday, 9am-5pm.

SIOs may wish to encourage other receivers of third party information to adopt a similar approach to storage and disclosure of information.

For further information relating to Making and Receiving a Report see:

APP on information management

APP on child sexual exploitation

HOCR crime recording for sexual offences

SIO actions

- Consider where and by whom reports may be received and what support is needed.
- Establish requirements of first responder actions when dealing with third party reporting.
- Develop a reporting strategy where there is a likelihood that a number of reports about a person or location will be received.
- Consider risk assessment and risk management advice that should be shared with those taking reports of abuse.
- Consider how to avoid inadvertent leaks of sensitive information.
- Consider how to avoid 'trawling'.
- Ensure that thorough intelligence is carried out prior to approaching victims.
- Develop an approach to managing mass reporting.
- Make early contact with the force crime registrar.
- Create a victim engagement strategy.

2 Victims and witnesses

Victims and witnesses may have encountered very traumatic incidents. Some may have not wanted to report for a long time because they fear reprisal, or that they won't be believed. Police must seek to support victims and witnesses to give their evidence. This will include testing accounts so that the investigation gathers all relevant evidence, whether it supports or undermines the allegation.

Key points

- Victims should be supported throughout the investigation and the criminal justice process. It is important that a robust process exists for information to be shared between forces, particularly in relation to decisions concerning non-acceptance of special measures by the victim.
- Clarify aims and objectives of the investigation with partners.

2.1 Victim and witness strategy

The purpose of a victim and witness strategy is to ensure that victims are fully supported during the investigation so they can give their account, identify and address any ongoing risks to other potential victims, and support and add value to the operational activity.

2.1.1 Strategy considerations

Risk assessment, victim support and counselling need to be at the heart of the SIO's victim strategy. Owing to the complexities of these cases, investigators should approach a PIP 2 specialist interview adviser to provide expertise in developing the strategy. They can help formulate the questions used to approach individuals in a way that avoids affecting future victim/witness accounts.

NCA advisers are also able to offer help and support. The NCA has developed a briefing paper to support SIOs with these particularly complex cases – see **Victim and Witnesses Interview Strategies in High Profile Cases Involving Delayed Reporting** (accessed via the Operation Hydrant POLKA community).

A victim assessment and detailed interview planning will support officers in recognising the possible impact of trauma.

Different victims react in different ways, and some may present behaviours which might not be expected. Presenting behaviours should not be seen as undermining the credibility of the victim.

As part of the strategy the SIO should ensure that:

- Victims and witnesses understand that their involvement in the investigation is voluntary.
- Investigators consider whether the victim requires an Intermediary to be able to fully give their account and understand the process.
- Sufficient support is in place prior to discussing the details of the incident – a dedicated officer and specialist services such as ISVAs and SARCs may be more beneficial than generic victim services.
- Investigators avoid unnecessary duplication and distress for the victim.
- Investigators adhere to the **Ministry of Justice (2015) Code of Practice for Victims of Crime**.
- Investigators consider adopting confidentiality agreements and witness contracts.
- What the victim can and cannot share, and with whom must be made clear to them. For example, they need to understand whether (and with whom) they can discuss details of any previous abuse. In addition, victims should be made aware that if they are receiving therapy, this would need to be disclosed to the defence, if a prosecution follows.
- Officers and staff develop a clear exit strategy, which includes the handover of the victim or witness support to a third-sector agency, local authority or health service.
- Officers and staff document a witness contact strategy outlining the method of obtaining accounts. It should consider ABE/significant witness strategies and witness contact strategies and the use of dedicated contact logs for all contact with significant witnesses. Where possible, the same officer should remain the point of contact.

An SIO protocol should be developed and agreed with partners to support individual contact plans. Officers and staff should design a plan/protocol for approaching victims and witnesses for each specific inquiry featured in the inquiry. They should take into account relevant advice from the CPS, include the resources allocated to make the initial contact and be in line with the protocol. Note – initial contact can be particularly sensitive.

In order to carry out the tasks undertaken in the victim strategy, it can be helpful to embed a social worker in the investigation team. Their role is to:

- Undertake safeguarding risk assessments in relation to all victims – this will consist of gathering background information available from relevant agencies to inform the assessment process.
- Gather information to support interview planning to ensure an effective approach to victims.
- Carry out a follow-up assessment after any formal interview process to ensure that the appropriate supports are in place.

- Ensure that, if the safeguarding assessment highlights risks, then a referral is made to therapeutic services for advice, and to lead on identifying and securing therapeutic support for those victims who need it. This should be reviewed on a regular basis, and if there is a need for long-term support, this should be sought from the appropriate agencies.
- Lead on making referrals to the appropriate adult services where support is needed from mental health or other adult services.
- Identify a SPOC in local authority services to progress non-criminal safeguarding matters and ensure that local authorities and others respond to relevant practice and duty of care issues within public/private institutions. This may involve supporting internal investigations, engaging local child safeguarding bodies and potentially providing information for internal management review and serious case review processes.
- Access local authority records and support the inquiry team with relevant information.
- Act as an alternative point of contact for victims who do not wish to talk to police officers, given past complaints/experiences, where appropriate.
- Provide safeguarding risk assessments where allegations are made against people in positions of trust with current access to children, linking in with the Local Authority Designated Officer (LADO). The SIO's assessment will need to address the wider risks and will inform the risk management plan that is put in place.
- Provide safeguarding risk assessments and management plans where there are suspects who have access to children in their personal lives and there is a risk of current abuse – some may hold voluntary/community roles, or have access/power over children because of their prominent position.
- Work in partnership with charitable services on public reassurance, victim contact and ensure they are fully involved.

2.1.2 Identifying victims

It is important that, where there is evidence to suggest more victims may have been abused, if possible, those victims are identified so they can give their account and receive help. However, it is also important that, in seeking to identify victims, police do not engage in 'trawling' or give so much information about allegations that it enables false or mistaken allegations of crime.

Care should be taken in media appeals to emphasise that reports of non-recent abuse will be taken seriously and investigated sensitively while not directly asking or implying that victims have to come forward. Victims should come forward by choice and not because they feel compelled or obligated.

Trawling is the term given to the process whereby the police contact individuals even though they have not been named in the course of the investigation and there is little, if any, intelligence to suggest the individual might be a potential victim.

The SIO should consider consulting the CPS for advice if appropriate when developing a victim identification strategy. For example, in some cases involving allegations of abuse in a care home, it had been common police practice to contact all, or a significant proportion

of, those who had been resident in the institution at the time the offences were alleged to have taken place, rather than taking an intelligence-led approach towards identifying potential victims. This practice has been criticised heavily in court and led to a number of cases collapsing. This does not prevent officers contacting potential victims on a firm intelligence or evidence-led basis.

See Paragraphs 113 -115: **CPS Guidance on Prosecuting Cases of Child Sexual Abuse** for more information.

When seeking to identify potential victims, SIOs should bear in mind that confidentiality of the victim is a vital consideration and should only be breached without consent in exceptional circumstances. For example, in some communities, victims of rape or sexual offences can be ostracised or blamed. It can affect a victim's chances of marriage and acceptance within their community. Exceptional circumstances may include situations where safeguarding risks continue for others and, sometimes, the victim.

Investigating officers should not assume that these attitudes apply only in specific communities, but should be sensitive to the views of the victim and others with whom they come into contact during the investigation. Where there are concerns about how supportive a family or community may be and/or the potential for adverse reaction, the officer should seek advice from knowledgeable and/or senior colleagues. Careful consideration should be given before seeking advice from people within the same community or family, even where there is significant geographical separation.

2.1.3 Identifying victims and witnesses from records

Opportunities may exist to identify potential victims or witnesses from records that existed in an organisation, group, home or institution, for example, a school register, church membership record or similar registration records. These could support a targeted approach for the SIO.

2.1.4 Telephone response lines

This option is an additional method of contact for potential witnesses, particularly if there has been media interest or an appeal for information. SIOs should consider the extent to which call handlers can be supported to adopt a systematic and consistent approach (see **1.1.1 Reporting strategy**).

Telephone response lines can be answered by, for example, the police, children's social care or a suitable support agency. It depends on the target audience and their respective needs and wishes. For example, callers may phone for support or counselling, rather than to report a crime.

Investigators considering a media appeal, where witnesses are given a number to ring, should contact children's social care and a suitable support agency to ascertain if they can provide a telephone answering service during the same period for people reluctant to speak to the police.

2.1.5 Dip-sampling

Dip-sampling has been used in enquiries where there were large numbers of possible witnesses to the conduct of a person over a number of years. The considerable numbers would require significant police resources and, where appropriate, children's social care resources for a potentially lengthy period of time if all potential witnesses were to be seen personally.

SIOs should introduce safeguards to avoid concerns regarding this method. These include:

- recording the rationale for approaches in the SIO's policy file
- having a clear witness/victim approach protocol
- accurately recording conversations with potential witnesses and victims (electronically recorded at the earliest practical stage)
- consulting the CPS with regard to using these methods.

Example

One example would be where a schoolteacher has allegations of long-standing abuse made against them by former pupils. Rather than interview every pupil over the last 20 years, investigators could decide to approach and/or interview 10 to 50 per cent of the total number from across the spectrum of years and ages to ascertain the initial indications. Then, depending on these results, investigators could make a decision, on an incremental or staged basis, to approach and interview further pupils or to cease further action in that line of enquiry.

The approaches may be focused on specific groups, eg, age, period, or randomly. This approach, if adopted with the necessary safeguards, could substantiate comments made by the suspect or victim, and support the police duty to pursue all reasonable lines of enquiry. It may also provide exculpatory evidence, exonerating the suspect(s). The results of dip-sampling are one of the factors that the CPS would take into consideration when making a decision regarding prosecution.

Although personal visits would usually be the preferred option, they may not always be practical or proportionate. If this is the case, dip-sampling large numbers of people using carefully worded letters may be an option. The SIO should document any rationale for a preferred method in their policy file.

Investigators should consider using a profile of potential victims (eg, age, sex, circumstances) when determining the section of the sample on which to focus. A disadvantage of dip-sampling is that witnesses, victims or other suspects may be missed. With limited resources, however, these are aspects that would be considered in the risk assessment when explaining the response in relation to proportionality, legality, necessity and accountability in accordance with the **Human Rights Act 1998**. The SIO needs to accurately record the rationale.

It may be necessary to conduct limited, superficial lifestyle profiling on the victim in order to establish when and where the best time to approach them arises. Advice regarding **surveillance** authority requirements should be checked locally in-force.

2.1.6 Letter drop

The letter drop method of contact is a highly cost-effective approach to tracing potential witnesses. A large number of potential witnesses can be contacted in a relatively short period. It is important to remember, however, that a letter drop is something that may not be suitable for many potential victims.

In general, there are a number of issues that the SIO may wish to consider:

- whether contact with the intended recipient is guaranteed
- potential for breach of confidentiality

- likelihood of response
- impersonal nature of contact
- potential welfare of the witness
- presumed literacy competence of the recipient
- whether the limited information in the letter is sufficient to allow the individual to recognise themselves as a potential witness to the investigation without ‘trawling’ or divulging unnecessary information
- potential for self-harm as a result
- suitable safeguards in relation to risks of adopting this process, eg, by providing contact details for support services.

If a letter is sent, investigators should record the date, address and method of delivery and retain a copy of each individual letter.

1.2. 7 Witness networking

If records and registers are not available from which to identify potential witnesses, there may be a requirement to resort to ‘witness networking’ to identify potential and actual witnesses.

Network analysis may help the SIO establish links between potential witnesses and determine a prioritisation approach to making contact.

Just as SIOs must take a considered approach to identifying potential victims, the same applies to identifying other potential witnesses so that all relevant evidence is sought.

Using photographs obtained from a source from the period under investigation can be an integral part of this process. The SIO may wish to consider this option when accessing local authority archives.

In general, investigators should not show photographs to any witness until completing the initial statement of complaint. Although the enquiry team might ask witnesses about the whereabouts of other potential witnesses, they should discourage them from speaking to other witnesses on behalf of the police.

2.1.8 Using websites, emails and social networking sites

Creating a website and email address provides an alternative way for potential witnesses to contact the police.

Investigators may also seek relevant information from social networking websites and other open source options. Investigators should seek advice from Open Source experts.

Media appeals

The media can provide a valuable channel for police contact with the public. Although this can have many advantages, the SIO must be aware that this approach can create a significant response which must be managed. It also places the investigation into the public domain and can create a demand for information throughout the life of the investigation.

SIOs must develop a robust communications and media strategy at the start of the investigation. They should refer to [APP on media relations](#), as well as seeking the advice of the force media specialist.

Within the strategy, the SIO should consider how to promote elements of the victim and witness strategies through communications activity, offer support and manage expectations.

2.1.3 Initial contact

Logistical considerations for victim and witness contact

Potential victims and witnesses may prefer to be contacted directly rather than by leafleting/letter drop. Direct contact can be resource intensive and requires careful planning. It is a victim-focused approach, however, and is considered by experienced investigators as the best method to use. The SIO should consider carrying out a risk assessment of any potential witness because of potential vulnerabilities and the fact that they may also be victims themselves.

SIOs should consider the early development of a witness and victim approach protocol with partners who will be engaged in the process as this ensures a consistent approach to victim and witness engagement. They should develop this approach in consultation with the appropriate local authority and include multi-agency information sharing and review processes.

Within certain parameters, SIOs can adapt this approach on a case-by-case basis to suit individual circumstances once an intelligence led assessment has been carried out. Where a protocol includes joint approaches between police and the local authority, the initial visit to a potential victim or witness would enable the initial investigative and support functions to be initiated immediately.

SIOs should ensure that investigation teams are mindful of the importance of timing when making initial contact with victims and witnesses. Timing should be convenient to the individual as opposed to the investigation.

Victims have often moved on in their lives and have new partners and children who may be unaware of the abuse experienced by the victim. The same situation may exist with the victim's employers.

An initial telephone call to arrange a meeting when the victim is alone has proved successful in a number of cases. Once the contact has been made, officers should establish how the individuals would like ongoing contact to be made. For example, if by phone, they should check which contact number is the best and safest one to use – mobile, home or work number.

Officers should offer to meet at a place of the victim's choosing and ask how they wish to make the arrangements, e.g. phone, email, text.

During the initial meeting the officer should complete a risk assessment and give the victim a contact leaflet outlining:

- contact names and telephone numbers for the investigation team
- contact numbers for witness care and specialist services
- next steps.

Traumatic experiences may be rekindled and impact ability to retain information, so written information may be useful.

It can be helpful to remind the victim to consider questions they may wish to compile ahead of the next meeting.

Support may be required even if the victim does not wish to proceed. Investigators should undertake further risk assessment to find out what additional support may be required.

Having raised the issue of abuse, it is important that appropriate support is identified which is specifically tailored to the needs identified and agreed with the victim, for example, family (where this is suitable), charity, GP and counselling services. In many cases it may be difficult for the victim to reach out and ask for help.

First contact with investigators

The initial contact between investigating officers and the victim or witness is of fundamental importance, as this is when the rapport between the two parties is established. The SIO's primary concern during this phase of the inquiry is the correct identification of potential victims and/or witnesses and subsequent contact with them, many of whom may not have disclosed the abuse to those closest to them.

Officers should make every effort to provide victims with an honest appraisal of the likely consequence of making a report and the potential timescale of the inquiry. Any approach should include contact details for access to support, including local specialist services, ISVAs and national helplines.

Options to manage first contact

The following are options that SIOs may wish to consider to assist with victim and witness first contact:

- sending a letter to individual GPs (taking into account data protection issues) alerting them to a potential need for additional services for their patients
- making case workers in other agencies aware of the situation in order for them to be in a position to deal with additional needs
- managing victim code updates on one document in the major incident room through an arrangement with the force crime registrar.

If a victim is telephoned, it is helpful to check if they are happy to meet with a male or female officer for initial contact. This is an opportunity to manage expectations in general, but also in relation to the way forward, should an officer of the preferred gender not be available.

For large-scale enquiries, SIOs should consider a self-referral process for victims so that there is equal opportunity of access to the police investigation.

Assessment

Officers making first contact should assess whether a registered intermediary and/or appropriate adult should be used (see **APP on investigation**). In cases of non-recent sexual abuse, they should be considered for any case where they could help the police to communicate with a victim, whether or not the victim has a form of disability or is a child.

SIOs should consider deploying a robust victim and witness strategy, making use of a specialist interview adviser and paying specific attention to consistency in approach in conducting pre-interview assessments and recording accounts. The National Crime Agency (NCA) document **Victim and Witnesses Interview Strategies in High Profile Cases Involving Delayed Reporting** (accessed via the Operation Hydrant POLKA community) is a useful resource to assist in developing the interview strategy. The national vulnerable witness adviser can be contacted for advice through **NCA Crime Operational Support**.

Also see [Victim and Witness Evidence module](#) of **APP on child abuse** for further information.

Telling a victim about other allegations

To enable a victim to give an account of what has occurred, they can be told, in general terms, that a suspect has been the subject of complaints by others. Taking this approach may strengthen the victim's resolve to engage with the criminal justice process. Officers should not, however, disclose details of other allegations.

Officers should normally only provide this information after the victim's initial statement has been taken. In exceptional circumstances, and with the authorisation of a police officer of at least superintendent rank, this may take place before the statement or video interview. The SIO should seek advice from a specialist interview adviser when making this decision in line with ABE guidance. For further guidance on this see paragraphs 42-47: **CPS Guidelines on Prosecuting Child Sexual Abuse**.

The officer providing this information to the victim must record it accurately. This is in order to refute any potential challenge later that a victim was told any specific details of accounts provided by other persons.

Making contact following third party reporting

It is not usually appropriate to make contact with the victim without the third party's knowledge, but there may be occasions when this is necessary. This could apply where, for example:

- the victim is still at risk from further offending, or the suspect is still offending
- it becomes apparent that there is an immediate risk to life or of serious injury
- the suspect is a risk to children or vulnerable adults.

Investigators should only contact the victim after consultation with the SIO and following a risk assessment. The SIO should consider deploying a specially trained officer for initial contact with the victim.

Managing witness collaboration

SIOs should consider how they can alert victims and witnesses to the dangers of discussing details of an investigation. Some investigations have found it beneficial to include a paragraph in an update letter which explains the principles and ramifications of victims and witnesses sharing information, in particular via social media. For further information see **2.2.2 Information sharing**.

Witnesses

The approaches described below are extensions of any intelligence or evidence-led means of identifying witnesses. Investigators can contact potential witnesses because they may have relevant information based on the following:

- specifically mentioned or described by another witness or intelligence source
- from the circumstances, including location, relationship, time period and environment
- from other information (e.g. phone records, files).

The approach will be closely dictated by the investigative parameters in terms of what is required to be captured evidentially.

2.2 Gathering evidence

Victims may not report all details of offences initially. They may take varying amounts of time to make full disclosures. Each case must be carefully considered and assessed as some victims may find repeated interviews uncomfortable. Trust and confidence needs to be built between the victim and investigator, as the role of the police is to help victims give their account as part of the evidence gathering process. Additional details may emerge via third party agencies or in court (registered intermediaries can be used to facilitate communication in such circumstances). The principles of ABE will be particularly important in Operation Hydrant.

Where investigations cross geographic boundaries, the investigating force carries out the investigation, with assistance from the force where the victim lives in terms of conducting interviews in accordance with ABE guidelines.

2.2.1 Investigative focus

In accordance with advice published by the Crown Prosecution Service, police and prosecutors should focus on the credibility of the allegation, rather than focusing solely on the victim. Specifically, the length of time between an alleged incident of sexual abuse and giving the account to the authorities is not a reliable indication of credibility.

In Operation Hydrant cases investigators have found the following points require careful consideration:

- relationship between the victim(s) and the suspect, where the latter has acted in the role of a guardian or carer
- how the first account came to light and any subsequent accounts
- character, credibility, vulnerability and circumstances of the victim(s)
- possibility and motivation of a third party having influence over a victim
- when the first complaint came to light, in particular if it was before the police investigation started or before media/public attention
- capturing early complaints to professionals such as doctors or counsellors.

It is likely that cases will require access to third party material when building the evidential case. This includes using expert advisers and their testimonies. **APP on child abuse** provides further information relating to investigating the allegation.

Where there are multiple victims, investigators should also consider whether:

- victims have talked to each other and shared their accounts of abuse, and if so, when and why
- there are similarities between the complaints
- there is any evidence which undermines corroboration.

Where victims have discussed their accounts, this may affect the quality of the evidence because of the potential for contamination and should be specifically considered as a disclosure issue.

PIP 2 specialist interview advisers will be able to provide advice for resourcing interview teams.

False memory

Memory can be unreliable, particularly where there is passage of time, where a person has experienced repeated trauma or where there have been other influences such as therapy, counselling or substance abuse. Whilst the presence of adverse memory influence may not render the recall inaccurate, SIOs need to consider supporting evidence and will wish to consider seeking expert help in deciding on the weight that the victim's recall should be afforded. NCA has a list of experts to help.

Listed below are factors the SIO may wish to consider when assessing non-recent CSA accounts in this context:

- The age from which the memory is recalled – is the account consistent with what could be reasonably remembered from that age?
- Whether memories are continuous or recovered.
- Suggestive influences on memory (particularly if recovered) for example therapy, or family and friends.
- Is the source of the memory clear and unambiguous or is it solely from flashbacks and dreams?
- Psychological disorders/states such as PTSD that may affect memory presentation.
- Psychiatric disorders such as delusional or factitious conditions that might compromise the account.

Impact on those associated with victims, witnesses or suspects

Where child sexual abuse investigations address allegations relating to schools, clubs and other institutions parents of other children may become concerned. The SIO should agree the way in which other people who may be affected can be supported, including how contact will be made and how allegations will be received and recorded.

2.2.2 Information sharing

Where institutional abuse is alleged, SIOs should consider at an early stage when engagement with the parent organisation or governing body is appropriate. There is a balance to be achieved between the potential need to seize evidence and the need to build relationships. This will allow information to be shared at appropriate times, and provide an opportunity to draw on relevant expertise in the organisation. For example, it can help SIOs understand issues around the quality of records held by particular organisations, together with any existing protocols or codes of practice relevant at the time of the offence.

Adult safeguarding boards

Investigators should consider developing an [information sharing agreement](#) with adult safeguarding boards to include welfare issues as well as information about crime.

This information sharing agreement should include a process for sharing the detail relating to abuse experienced in childhood and adolescence, so that each force involved in the case is aware. This may affect the way in which investigators interact with victims.

Investigators should also consider using the serious sexual offence unit as a resource.

Local Authority Designated Officers

Other investigations may be taking place at the same time, for example, in a health care trust or social care. Local authority-designated officers provide important links and routes of communication between the police and partner agencies. For specific professions (for example, teacher) there is a duty on the police to refer to the Disclosure and Barring Service if the suspect is still employed.

SIOs may also wish to consider drawing up a service level agreement between the force and local authorities which sets out the Criminal Procedure and Investigations Act 1996

requirements and protocols for seizing, reviewing and retaining material. This can be particularly helpful in investigations with significant amounts of material.

Other interested parties

The SIO should be aware that a number of groups may have an interest in investigations of this kind (either from the perspective of the victim or the suspect). In some circumstances the concerns of such groups may need to be addressed without compromising the investigation (eg, any legal constraints relating to the timing and content of any communications may need to be considered).

SIOs may wish to consult with victims/survivors groups in an advisory capacity as the investigation progresses. For example mass reporting/call handling; provision of counselling and support services. The NSPCC, for example, is a statutory service and involved in many cases. There will need to be consideration of victim confidentiality and inappropriate disclosure of information.

In addition to other organisations, the **Criminal Injuries Compensation Authority (CICA)** may also have an interest in the investigation.

Organised and complex abuse considerations

SIOs should consider whether an investigation involving numerous victims constitutes a ‘complex abuse case’.

Complex abuse was defined in HM Government (2006) Working Together to Safeguard Children and Home Office and Department of Health (2002) Guidance on Complex Child Abuse Investigations: Inter-Agency Issues as:

Abuse involving one or more abuser and a number of related or non-related abused children or young people. The abusers concerned may be acting in concert to abuse children (or young people), sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children (or young people) for abuse.

SIOs should, in consultation with the person in overall command of the broader investigative and community response (sometimes referred to as ‘gold’), consider setting up a strategic management group and joint investigation group to ensure a collaborative approach to victim engagement. These groups may include the local authority child/adult care services, NHS, HMPPS and representatives who can share local arrangements for counselling services such as Rape Crisis.

The SIO may wish to discuss setting up a complex abuse panel to assist in giving advice on cases that fit the definition. Children’s Services and the local authority-designated officer should be consulted.

On large and complex investigations, when a decision to prosecute has been reached or is likely, preparing a police and CPS joint prosecution framework agreement can also be beneficial.

2.2.3 Corroborative evidence

Even though an extensive period of time may have elapsed since the alleged offence, significant corroborative evidence may be available from archived or other material

contemporaneous to the time period of the allegations. Investigators could consider:

- diaries or written accounts of movements from the victim and the suspect – further allegations may be made at a later date, so the details of the suspect’s movements across extensive periods may become relevant at a later date, and are not initially known at the point of search/seizure
- photographs of the suspect and victim, as even if not specific to the offence, pictures of the victim at the approximate age when the alleged offence took place can provide a jury with context to the event – this may also be relevant for potential defence issues regarding the apparent age of the victim at that time and photographs of the suspect may be required for ID procedures, based on their description at that time
- other mementos such as letters and clothing
- blueprints/floorplans of premises showing the layout at the time of the alleged abuse
- media articles/photographs from the time the alleged abuse took place identifying premises, residents, staff, visits by people of public prominence, or their activities at the time
- employment records
- social services files
- GP and/or medical records
- daily event logs and minutes of meetings
- professional bodies/associations (records).

This is not an exhaustive list and SIOs should consider the needs of each investigation. Creating a timeline of events can help to place recollections into a timeframe, enabling corroboration or challenge.

Insufficient evidence

When charges are discontinued, the CPS and police should have a clear understanding of why they have been discontinued. This is required in order to understand the impact on the victim’s evidence relating to other indictments. From the victim’s perspective, having charges dropped can echo their experiences of not being believed – investigators must handle this in a sensitive manner.

Reinvestigations

A policy for approaching witnesses who did not wish to provide statements at the time of making their allegation(s) may be required. Operational experience has shown that it is in the interest of the victim to hear about the investigation from the investigation team. It is important to check whether the victim(s) remain unwilling to make a statement or whether their stance has changed. The investigation team must respect the wishes of the individual(s). The team should remain mindful of safeguarding and risk management issues throughout the discussions.

2.3 Disclosure

SIOs often face significant challenges with disclosure in non-recent sex abuse investigations. The task of disclosure should not be underestimated due to the significant volumes of material that may exist, complexities in locating and reviewing historical documents and challenges when documents have been lost due to the passage of time.

The number of computers, phones and electronic devices and the amount of information they contain, such as email, messages, social media interactions and photographs, have made the identification and retrieval of evidence very challenging.

It is not possible for all possible sources of evidence to be examined, and SIOs will need to establish 'reasonable lines of enquiry' and consider all places where they may reasonably expect to find evidence relating to the investigation, whether that supports or undermines the case.

The suspect and their legal team will be important in assisting investigators to identify places where relevant evidence may be found.

The volume of third party material associated with non-recent sexual abuse investigations may be substantial. In cases involving third parties, for example, local authority social care departments, it is highly likely that relevant evidence may exist within these agencies. They should be advised to carefully consider seizing, reviewing and storing material. SIOs will need to consider the continuing need for disclosure.

The early appointment of a disclosure officer(s) is important to manage such significant volumes of material. At an early stage, and where possible, after submitting an early investigative advice file, the disclosure officer and the CPS reviewing lawyer responsible for disclosure should develop a strategy that formally sets out:

- the legal basis for disclosure, CPIA or common law with a supporting rationale
- a disclosure policy document and police and CPS joint prosecution framework agreement
- how disclosure will be conducted, eg, phased, managed through HOLMES
- timescales for submissions and returns to the disclosure officer
- meetings between the disclosure officer, CPS lawyer and counsel at an early stage
- consideration of the appointment of disclosure counsel
- parameters set around third party material and how extensively it will be considered.

Officers should consult the CPS early in the investigation to consider drawing up a disclosure policy document within a police and CPS joint prosecution framework agreement. SIOs should ensure that the large case administration procedures in the **disclosure manual** are implemented.

Disclosure has been subject to high levels of concern and SIOs will need to ensure they are up to date with most recent practice.

Appointing disclosure counsel at an early stage is highly recommended in cases where there is a significant volume of material.

SIOs should be mindful that abuse of process arguments may be raised in cases where material has been lost or cannot be recovered, not to mention the potential for miscarriages of justice.

Victims will often be in possession of material that relates to the time they allege the abuse took place, such as diaries, letters and emails both to and from the suspect and third parties. This may be a key focus of the defence.

SIOs should consider using a checklist to support identification of evidence relevant to the investigation.

Case study – third party material

In 2014 two victims reported sexual abuse by numerous suspects over five years from 2006 to 2011. The investigation led to eleven defendants standing trial at the Old Bailey. Six men were found guilty of 37 offences after a nine-week trial and were sentenced to a total of over 82 years' imprisonment.

In this case the disclosure officer served notices on the partner agencies asking them to identify material. If the material they held was not too voluminous, it was seized and reviewed by the receiver for evidence.

The disclosure officer then assessed it, extracting copies of anything which was relevant and required scheduling.

Where the material was extensive, the disclosure officer (or a properly briefed officer) reviewed the material in situ, extracting what was considered evidential, relevant or met the disclosure test.

The appointment of disclosure counsel, with responsibility for all third party material was of significant assistance in this case. Once appointed, counsel assessed all the third party material subsequently obtained and produced their own schedules.

Some forces have appointed a dedicated, appropriately trained officer or member of police staff to act as a SPOC for any third party material requests with the local authority and other statutory partners.

2.4 Supporting victims through the criminal justice process

Investigations into non-recent child sexual abuse pose significant challenges to the way in which support to victims can be given, particularly when they involve institutions or people in powerful or influential positions. Victims and witnesses should be supported through the investigation and criminal justice process so that they are able to give their evidence. The victim and witness strategy should clearly detail the support that a victim receives at each stage of the criminal justice process, from receipt of report through to post-trial or the point at which no further action is to be taken.

Victims of sexual abuse are eligible for enhanced support in line with the **Code of Practice for Victims of Crime**. In addition to this, investigators must give clear consideration to adult safeguarding processes.

A number of special measures may be available:

- physically screening a witness from the accused
- giving evidence by live link
- giving evidence in private in a sexual case or where the court considers proceedings relate to a sexual offence, or an offence under section 1 or 2 of the Modern Slavery Act 2015, or where there may be intimidation by someone other than the accused
- ordering the removal of wigs and gowns
- video recorded evidence in chief
- witness intermediaries to enhance witness communication (available only to eligible vulnerable witnesses)
- aids to communication, e.g. alphabet boards (available only to eligible vulnerable witnesses).

2.4.1 Victim and witness strategy considerations

A high standard of victim care and support can help victims and witnesses to remain engaged in the criminal justice process and give their evidence. SIOs should, therefore, consider the following points when setting the support element of the victim and witness strategy:

- individual victims have individual needs
- vulnerability is not always apparent – victims may appear to be coping but investigators should not take this at face value

- for those victims and witnesses with particular needs, a multi-agency (Witness Service, CPS, health, police and intermediary, ISVA) risk assessment and support plan should be developed for the trial
- mental ill health may diminish a person's capacity to make decisions to accept counselling or special measures and officers should offer reassurance that this will not undermine the case – further information is available from the **CPS**
- investigators should regularly review the victim's ability to cope or non-engagement with support that is on offer
- providing victims with direct email addresses of investigating officers to allow direct contact throughout the process
- staff as well as victims and witnesses may be in need of counselling
- service provision, approach to referrals, training and funding will vary among third sector agencies.

During the investigations considerations include:

- special measures:
 - assessment
 - application process
 - information sharing
 - review.
- adherence to the **Code of Practice for Victims of Crime** (see Adult Victims Part B: Duties on Service Providers – information, referral to victims' services and needs assessments)
- ensuring the strategy considers options to provide support to family members where appropriate (sometimes critical in keeping the victim engaged in the process).

Use of registered intermediaries

A registered intermediary can help vulnerable victims and witnesses with an identified communication difficulty to give their evidence in court. They can also assist victims when they are being interviewed to help them communicate their evidence to the police. The intermediary is approved by the court and can help to explain the questions and answers so far as necessary to help the witness but without changing the substance of the evidence.

A registered intermediary can be secured by contacting the Specialist Operations Centre of the National Crime Agency. See [Witness Intermediary Scheme](#).

It is important to find out how often the victim wants to be updated. Victims' wishes should be considered in tandem with the Code of Practice for Victims of Crime.

Sensitive information

SIOs should consider how to provide victims and witnesses with sensitive information. For example, medical reports and witness statements can be forwarded in sealed envelopes to ensure that victims are not exposed to potentially upsetting material as the state of mind they are in when they receive a letter from the SIO is unknown. They can then decide when they open the envelope and read the report or statement, thus reducing exposure to further distress.

2.4.2 Victim counselling and therapy

Victims have a right to access therapy and counselling at any stage of the process including pre-trial. Although an officer should explain the issue of disclosure in line with CPS guidance for pre-trial therapy, the focus of any strategy must remain on what safeguards are in the best interests of the victim. The possibility of new disclosures in therapy leading to the therapist becoming a witness and them being unable to continue to offer therapy needs to be made clear to victims at the outset of an investigation.

Procedure to facilitate a counselling or therapy third party request

In cases where a victim receives pre-trial therapy or counselling, the suspect or their legal team may seek disclosure of notes or other materials relating to the therapy or counselling.

The SIO should instruct that a review of material held by organisations in respect of the specific investigation takes place. Where a therapist receives a request for information or documents, they should obtain legal advice before complying with the request. If, for example, the therapist is employed by a social services department or NHS hospital, the legal department of either will provide advice.

A police-appointed officer in the case or appropriately trained disclosure officer will examine relevant material held on file by the organisation which has received the request. Access to the files should be granted within an agreed timescale, for example, 14 days. The officer in the case or the disclosure officer will notify the organisation as to which documents/material need to be copied for review by the reviewing CPS lawyer.

The copies should then be provided in an unedited format, again within an agreed timeframe (seven days suggested). The material remains SENSITIVE, under CPIA 1996 arrangements, and is recorded on the MG6D schedules until any request is received from the CPS for use as evidence or it meets the disclosure test (it points towards or away from the allegation).

The organisation providing the counselling or therapy services will review any evidential request and decide if they are comfortable for it to be disclosed. The organisation has the right to assert public interest immunity in respect of the material.

Examining third-party material may also help find corroborative evidence to support or disprove the allegation, for example, observation by carers relating to changes in victim behaviour or evidence of grooming (e.g., receiving gifts).

In all cases the police will need to review the information held by a third party (unless its subject to privilege) to determine whether it is relevant to the investigation, however, the third party can retain the material subject to a requirement to disclose.

[See APP on information management](#) for further detail.

Potential impact on prosecution

If there are grounds to believe that material which could affect the outcome of the prosecution is being withheld, an application may be made to the court for a witness summons to obtain the material. If a therapist, having taken appropriate legal advice, believes that the material should not be disclosed, they may oppose the witness summons application.

In that case, the court may hold a hearing at which the therapist's employer may be legally represented. The court will hear representations from both parties. The court will then decide whether or not to issue a summons requiring the disclosure of the material.

Those aspects of the therapy that have no material relevance to criminal proceedings should not have to be disclosed. The issue of relevance may need to be reviewed at different stages of the criminal case, however, as more becomes known about the prosecution and defence cases. Confidentiality cannot therefore be guaranteed in advance.

If a victim is undergoing therapy, investigators must explain to victims (or carer if applicable) the circumstances in which material obtained during treatment will be disclosed.

Consent

Consent must be obtained in order to release information. The organisation providing therapy should brief the victim on the implications of consenting to release their information. They should keep a record of the briefing, including the outcome and, where appropriate, an explanation as to why it has been decided inappropriate to seek the release of the information. However, the CPS Disclosure Manual, chapter 4 sets out the process to be adopted where the victim's consent is not available. For further information on obtaining relevant material, consult the CPS prosecutor.

Where material meets the disclosure test, the organisation agrees it can be disclosed, and consent is obtained, investigators should make a record of these documents on the MG6C (non-sensitive schedule) and on the MG6E disclosure officer's report.

In addition, a copy of the victim's signed consent should accompany the third party request form. In the case of a child, the consent form needs to be signed by the parent or legal guardian.

During the trial process, on receipt of a defence case statement (DCS), the disclosure officer can review the material again in light of the DCS. If further material is then identified as relevant and is required for review by the CPS lawyer, the same procedures are to be adopted as above.

Further disclosure – note taking and retaining material

If a further disclosure is made to a member of staff during treatment, a witness statement should be taken from them and the member of staff then becomes a witness in the case.

Once the disclosure is made, the member of staff can no longer carry on treating the victim

– a handover can be facilitated to another member of staff. The reviewing CPS lawyer must be made aware of this and all the facts, including confirmation that the witness has been told they can no longer treat the victim.

2.4.3 Prior to trial

SIOs should ensure all arrangements for court are in place, including staffing, staff and victim briefings and liaison with other agencies (for example witness services). This will ensure that all parties understand their responsibilities and what services and support each agency will provide.

Prior to trial, SIOs should ensure that:

- expert witness evidence is available to inform the jury of any mental health related issue relevant to the victim
- the impact that trauma has on memory recollection and the ability to recount abuse is explained
- expert witnesses can analyse and explain victim behaviour during and after the abuse, for example, their relationship with the suspect
- counselling for victims who are waiting to give evidence at trial should be encouraged
- health services ensure coordination of care is maintained
- victim's expectations are managed – they should be made aware that the trial could last longer than expected
- any existing mental health or other existing support should remain ongoing throughout the trial – support should be seamless where possible
- court familiarisation takes place
- once special measures are in place, the victim's entry and exit from the court room and the position and proximity of the suspect and other parties in the court are considered – a holistic approach must be taken to ensure any special measures granted are fully implemented
- witnesses are advised regarding their use of social media and privacy settings.

Officers and victims need to be informed of media handling policies. In high-profile cases or those including people of public prominence victims may be approached by the press. Advice should be sought from Corporate Communications on how to manage this without causing prejudice to the Court proceedings. See also [APP on media relations](#).

2.4.4 No further action

The SIO may decide that there is insufficient evidence to support a prosecution or the CPS may reach the same conclusion after the evidence has been submitted to them for a decision.

When the threshold is not met or a no-charge decision is made, the victim should not be left feeling they have not been believed but that the decision was taken purely around the lack of evidence.

Officers should make victims aware of the [CPS Victims' Right to Review Scheme](#) (effective from 2013), and the Police Victim Right to Review (VRR) scheme for police decisions. The Police VRR is a national scheme, and gives victims the right to ask for a review of a decision not to prosecute a suspect – this in line with article 11 of the **EU Victims' Directive**. Note: the Police VRR only applies to decisions that were made on or after 1 April 2015.

2.4.5 Support in court

The presence of the SIO in court can be beneficial in terms of reviewing the need for special measures and ongoing support for victims and witnesses. This allows a mechanism to assess requirements for special measures throughout the criminal justice process.

Measures should reflect the need for the CPS and police service care units to maintain contact with potentially vulnerable victims (and witnesses) throughout the trial. In this way, support can be given beyond the victim's testimony and can extend to dealing with legal issues, including obtaining the verdict and helping how they respond to the court's decisions. Furthermore, ensuring that the victim receives a daily telephone call from the officer in charge allows for critical contact to be maintained.

Special measures

Special measures need to be tailored to the needs of the victim. The SIO should be aware that if the victim refuses special measures and there is concern over their capacity to make that decision, in exceptional circumstances, the judge can overrule and enforce the measures.

Victims and witnesses should be briefed in advance so that they are forewarned about how the media will report on court proceedings and that journalists will be present in the court room and public areas during the trial.

Journalists may from time to time approach victims or witnesses to seek comment or an exclusive, and the SIO should give advice prior to trial on responding to such approaches. Journalists may also take photographs as people enter and leave court. This is done routinely, but victims should be advised that they are entitled to complete anonymity unless they waive their right, and will not be identified by the news media during the course of the trial.

2.4.6 Post-trial support

The following actions instigated by SIOs have been considered helpful in a number of investigations to date:

- a letter to victims offering them an opportunity to meet other victims for support if they are prepared to waive their anonymity
- sending individual tailored letters to victims thanking them for giving evidence and praising them for what they have done
- signposting witnesses to third party support agencies
- setting up victims forums – NSPCC, Victim Support, Barnardo's and Survivors Trust facilitate forums
- inform victims about the process for claiming expenses that the CPS has agreed they are entitled to
- explain the sentence to the victim if the defendant is convicted
- explain who the victim should contact if they wish to appeal against the sentence
- provide victims with details of whom to contact if they receive any unwanted contact from the defendant or a member of his or her family
- meeting the victims at court post-sentence sends a strong message of support and thanks – this also provides the opportunity to manage media interest by diverting attention away from vulnerable victims to the nominated force press officer if appropriate. Comments made by the police should remain factual.

2.5 Risk of suicide and self-harm

The SIO will need to consider potential safeguarding risks that may exist with some victims of non-recent sexual abuse, and should ensure that local safeguarding arrangements with partner agencies are instigated. The SIO should consult the force safeguarding lead at an early stage in order to determine the best way forward – for example, whether it is appropriate to refer to:

- local authority adult social care
- local authority children's social care
- police representatives on the local safeguarding children board and adult safeguarding board
- victim's GP or mental health services.

Although some individuals may not appear to be adversely affected by the trial, all victims should be referred to support services.

Where there are grounds to suspect that the victim poses a suicide risk, a management plan is required. This will probably involve referral to statutory, voluntary and charitable organisations.

2.6 Compensation

A civil case regarding compensation may take place in tandem with the investigation or after its conclusion.

2.6.1 Civil cases

Civil lawyers

In some investigations, a victim may have pursued a civil claim in advance of reporting an allegation to the police. The lawyer representing the victim may therefore have material relevant to the investigation.

Any communication between a lawyer and her/his client is subject to legal professional privilege. The SIO needs to demonstrate that the individual has waived their claim to legal professional privilege to access the material. The police cannot compel the lawyer to disclose the information.

When this occurs, the following steps may form part of the lawyer's response:

- reassuring the individual they have been the victim of a crime and encouraging them to contact the police if they have not already done so – for further information see **Approaching the police**
- explaining that a criminal conviction will help to prove the offences required to succeed in a civil claim for compensation
- explaining that the police have powers to obtain information which can be helpful to a compensation claim (once any prosecution has finished)
- referring to the civil law time limits but explaining that a successful prosecution may help the court exercise discretion to allow a civil claim to be brought out of time under section 33 of the **Limitation Act 1980** (in non-recent cases, victims are very likely to be out of time as they only have until the age of 21 to bring a claim at court if the abuse occurred as a child)
- directing the individual to support services and GPs.

As a result, the investigation team may be approached for information.

SIOs need to consider this within a disclosure strategy and should seek advice from force solicitors and the CPS at an early stage.

Investigators will need to address decisions around process (eg, working to court orders or with consent forms).

2.6.2 Criminal Injuries Compensation Authority (CICA)

Victims may also make a claim for compensation via the CICA. See **Criminal Injuries Compensation Authority (CICA) Briefing Note** (accessed via the Operation Hydrant POLKA community) for further information.

Investigators should not discourage victims from making an application for CICA compensation as strict time limits apply. Once a CICA claim has been submitted, an

application can be made for this to be deferred if there is an ongoing criminal investigation.

For further information relating to Victims and Witnesses see:

APP on child abuse

APP on working with victims and witnesses

APP on information management

APP on mental health

APP on media relations

APP on critical incident management

Procedure rules.

Victim support.

APP on prosecution and case management.

Victim liaison unit.

Victim personal statement

SIO Actions

- Develop a victim identification strategy – primary concern is to correctly identify potential victims and/or witnesses and manage subsequent contact with them, taking into account the fact that many may not have disclosed the abuse to those closest to them.
- Clarify aims and objectives of the investigation with partners.
- Develop approach protocol to identify potential victims and potential witnesses, in conjunction with partners where applicable.
- Develop approach protocol to contact potential victims and potential witnesses, in conjunction with partners where applicable.
- Develop a robust communications and media strategy (refer to APP on [media relations](#), and work closely with the force media specialist).
- Ensure victims and witnesses understand that their involvement in the investigation is voluntary.
- Ensure investigators consider whether the victim requires an Intermediary in order to be able to fully give their account and understand the process.
- Ensure sufficient support is in place prior to discussing the details of the incident – a dedicated officer and specialist services such as ISVAs and SARCs may be more beneficial than generic victim services.
- Ensure investigators avoid unnecessary duplication and distress for the victim.
- Develop and agree an SIO protocol with officers and partner agencies to support individual contact plans.
- Ensure investigators adhere to the Ministry of Justice (2015) Code of Practice for Victims of Crime.
- Ensure investigators consider adopting confidentiality agreements and witness contracts.
- Establish information sharing responsibilities and considerations. For example, victims need to understand whether (and with whom) they can discuss details of any previous abuse.
- Ensure officers and staff develop a clear exit strategy which includes the handover of the victim or witness support to a third sector agency, local authority or health service.
- SIOs should ensure that a robust process exists for information to be shared between forces, particularly in relation to decisions concerning non-acceptance of special measures by the victim.
- Introduce safeguards for dip sampling.
- Accurately record rationale for decision making.
- Risk assessment of potential witnesses in case they themselves are victims.

- Consider setting up a strategic management group and joint investigation group to ensure a collaborative approach to victim engagement.
- Consider how to provide victims and witnesses with sensitive information.
- Ensure pre-trial logistics are in place.
- Consider risk of harm and suicide.

Draft

3 Investigation management

Key points

- Managing suspects in cases that involve celebrities, other people of public prominence or institutional abuse presents an SIO with a set of challenges that they may not have experienced before.
- The SIO may need to explore new investigative and management approaches to help them deliver a thorough and proportionate investigation.

3.1 Introduction

The different era in which some alleged offences took place can add complexity to these investigations, for example, the prevailing differences in attitudes, expectations, safeguarding responsibilities and the legal framework (including policing practices) in place at the time. The passage of time also makes evidence identification and recovery more difficult in many cases.

The public interest and scrutiny of these cases creates additional challenges.

3.1.1 Legislative considerations

Offences may pre-date various legislation relating to sexual offences, including:

- **Sexual Offences Act 1956.**
- Indecency with Children Act 1960.
- Protection of Children Act 1978.
- **Sexual Offences Act 2003.**

SIOs need to be aware of the potential difficulties and limitations of the legislation at the time of the alleged offence and current legislation – for example:

- PACE provides powers for search, detention and identification which are relevant to the time of the investigation, but not necessarily the alleged offence or allegations which pre-date 1984. The SIO needs to establish the relevant legislation in force at the material time to make an application concerning excluded/special procedure material under Schedule 1 PACE.
- The Sexual Offences Act 2003 allows the UK to exercise extra-territorial jurisdiction in relation to certain offences, but this is not the case under the Sexual Offences Act 1956.

Sentencing

Sentences available under the Sexual Offences Act 1956 are significantly lower than under the 2003 Act. Courts are permitted to take account of current views on the nature of offences being tried but are limited to the sentences available at the time the offence(s) was committed. Where there are multiple offences, courts may use consecutive sentences to reach the level that reflects current views of offending. (R v James Stuart Hall 92013) [2013] EWCA Crim 1450)).

Previously reported cases

It may be that attitudes and processes prevailing at the time of the initial report to police meant that an investigation or prosecution did not take place at the time. Investigation or reinvestigation now may uncover responses to the allegations that could be viewed as misconduct; a cover up; or adversely affect public perceptions of the police. SIOs should report concerns to senior managers so that a discipline inquiry can be started if required.

The SIO must adhere to the provisions of **section 37A** of PACE, which sets out arrangements prescribed for the joint working of police officers and prosecutors during the investigation and prosecution of criminal cases. Police officers and prosecutors must comply with the **Director's Guidance on Charging** to ensure that charging and other prosecution decisions are fair and consistent and fully comply with PACE, the **PACE codes of practice** and the **Code for Crown Prosecutors**.

For further information, see **Child Investigations Historic, Legal and Social Chronology** (accessed via the Operation Hydrant POLKA community).

3.2 Scoping the investigation

3.2.1 Response on receiving information

Forces must comply with HOCR and record a crime when there are grounds, on the balance of probabilities, to conclude that an offence has been committed but has not yet been recorded. It is important for intelligence to be appropriately disseminated even when this involves a high profile suspect, despite concerns of access to the information. Forces should disseminate intelligence using the Police National Database (PND) to allow a comprehensive picture of activity to be built and shared in order to avoid the situation where forces are working in isolation. Markers are available on the PND that allows operational security issues to be managed in an effective way.

3.2.2 Decision to investigate

There are many matters to consider when deciding whether to undertake an investigation into non-recent events. The primary consideration will be public safety. A senior person will need to consider whether there are continuing safeguarding concerns for a victim or potential victims. It will also be necessary to consider whether there is the potential for a suspect or people connected to the suspect to be prosecuted.

In addition, the courts have ruled that there is an obligation on the state, and the police as an agent of the state, to investigate allegations of crimes that could amount to torture or inhumane or degrading treatment or punishment, in order to protect the article 3 rights enshrined in the Human Rights Act 1998. This is the case whether or not the suspect(s) is a state agent (Commissioner of Police of the Metropolis v DSD and another [2018] UKSC 11).

It is possible to breach article 3 when an investigation is carried out in a way that is seriously or egregiously poor.

A further relevant issue for non-recent cases of sexual abuse is the power and influence of the suspect(s). In reaching a decision about whether or not to investigate, the decision-maker will need to consider the extent to which power and influence was a factor in facilitating the alleged behaviour, including any subsequent covering up of allegations and/or evidence.

A particular issue arises when a suspect is deceased. In some cases safeguarding concerns may arise because of the connection between the deceased person and other suspects. It may also be the case that prosecution could be brought against others alleged to have committed offences. In general, however, the same considerations about whether to investigate arise when a suspect is deceased, including the issues of power and protection of human rights.

Decisions on whether to investigate may be iterative; the evidence and intelligence are repeatedly assessed to judge whether an investigation should continue and, if so, the resources required to undertake a proportionate investigation. Decisions and their rationales need to be recorded.

For example, where intelligence is a single strand and uncorroborated, it may be justifiable to take no further action other than to ensure that any safeguarding risks are addressed and the intelligence is accessible via local systems and the PND. Most circumstances covered by this advice, however, will warrant further investigation to establish the facts around an allegation or to further develop actionable intelligence.

Decisions relative to commencing an investigation must be taken at the appropriate level. In cases which present significant safeguarding risks or are likely to attract a high degree of media attention, this should include the force's head of crime (or equivalent) and the senior command team.

Should it be decided that an investigation should be initiated, the early appointment of a gold group is recommended to provide strategic oversight to the investigation and ensure that the appropriate command structure is in place.

Forces should consider whether to declare the investigation a critical incident. This is particularly important as some non-recent sexual abuse cases may contain victim confidence issues due to previous police failings when victims have tried to report sexual abuse to them.

3.2.3 Police National Database

The PND contains around three billion records. They are provided by every police force in the UK and a number of law enforcement agencies. The records are in five main areas:

- crime
- intelligence

- custody
- child abuse
- domestic abuse.

The PND is about sharing intelligence and this is the starting point for data loading and use. However, there may be sensitive aspects of any inquiry and some inquiries are very sensitive from the outset. In such circumstances, SIOs need to be aware of the access levels to information to ensure the integrity of their inquiry.

SIOs can upload sensitive information to the PND system using a Data Access Restriction Code (DARC) group.

The introduction of the levels concept is to provide SIOs with a scalable security tiered approach. This provides varying levels of safeguards and protective measures to support and protect the differing sensitive nature of Persons of Public Prominence (PPPS) to be loaded and shared on the PND.

- Level 1: Where information fits the OP Hydrant criteria and should be loaded to the PND without the need for any restrictions applied. All information will be available to all PND users.
- Level 2: Where information fits the OP Hydrant criteria and should be loaded to the PND, but due to the sensitive nature of the information it requires further security controls to be applied. All PND users will be aware that something is known but not what; only centrally authorised PND users will be able to see all of the information.
- Level 3: Where information fits the OP Hydrant criteria and should be loaded to the PND, but due to the highly sensitive nature of the information it requires the highest security controls and extra protective measures to protect from unwarranted disclosure. All PND users will be aware that something is known but not what; only centrally authorised PND users will be able to see all of the information and additional protective measures to safeguard the information will be applied.

The PND can also be used to identify individuals from images. Digitised images can be uploaded and searched against the PND database for a match. This may help to identify individuals from descriptions that have been given by victims.

All relevant crime data should be uploaded to the PND. The risk of disclosing an investigation of a person of public prominence through inappropriate searching should be weighed against the benefits of safeguarding victims.

SIOs should be mindful of investigative tools that limit upload to the PND and ensure that these are catered for. Examples of this would be HOLMES-based investigations and restricted/confidential crime reports/intelligence. A workaround option might be a sanitised signpost entry on an unprotected CRIMINT (or equivalent) accessible through the PND.

3.2.4 Setting parameters for the investigation

Following an initial assessment of any information or intelligence relating to a non-recent child sexual abuse investigation, the SIO must consider the objectives of the investigation, e.g., to establish the facts, bring offenders to justice and support the victims on their journey to resolution/recovery.

Defined Terms of Reference (ToR) should be drawn up by the SIO and signed off by a senior officer. These should include date parameters for the investigation, name any institutions involved, give very clear guidance on offences to be investigated due to the non-recent nature of the allegations and what the parameters are around suspects (e.g., in a children's home will the investigation deal with offences committed upon children by other children?) Reference should also be made to the contribution to be made by other agencies.

The ToR should be an in-depth document that is subject to review and amendment as the inquiry progresses. It is recommended that an audit trail of version controlled copies should be maintained.

Time parameters for the Terms of Reference – what period will be investigated

The SIO will need to consider the time parameter for the investigation. In some cases this will be straightforward, for example, where a single victim has reported a single event of abuse committed by a single perpetrator. Many cases, however, will present more challenging circumstances, for example, where abuse has been prevalent in an institution for a number of decades.

In cases of this type, the SIO needs to establish the period of time on which the investigation will be focused. The wider this parameter is set, the more challenging the investigation will become. The SIO needs to take into account how setting the time parameter for the investigation may affect the victim strategy.

It is reasonable for the SIO to revisit the time parameters set for the investigation in light of further intelligence or evidence becoming available.

Number of victims

The advice in relation to establishing a victim and witness strategy can be found in section **2.1 Victim and witness strategy**.

The SIO will need to fully understand the impact that this decision will have on the resourcing requirements and the time the investigation will take to draw to a conclusion. In cases where the number of potential victims is very high, it is almost impossible to obtain an account in line with guidance on achieving best evidence.

Where the parameters set around victim numbers are likely to preclude gathering accounts from some victims, the SIO should record in detail the rationale behind this decision, as they may be required to justify such an approach in the future.

These decisions should be taken with the advice of statutory and non-statutory partners so that the full implications for victims are understood and support organisations are able to deal with enquiries from victims who fall outside the Terms of Reference for the investigation.

Number of suspects

The investigation may be in possession of information and intelligence that points to there being more than a single named suspect. The strength of evidence relative to each may differ significantly. This picture may develop over time.

For this reason the SIO should consider the point at which a suspect becomes formally nominated as part of the investigation. When this is the case, the SIO needs to develop a strategy for how each suspect will be dealt with.

Where a victim or victims make allegations relevant to an unidentified suspect, the SIO should consider developing a Trace Interview Eliminate strategy (TIE) as a means of identifying the unknown suspect. For example, where a victim makes an allegation against an unidentified suspect within a school, TIE categories could be developed which include teachers, caretakers and support staff, and registered visitors to the school.

There may be occasions where it is legitimate for the SIO to determine that to include a suspect or suspects within an investigation is not in the public interest.

For example, this could be where the allegation made is of such a minor nature and so far back in time that it would be disproportionate to deploy resources to investigate the circumstances, see paragraph 3.2.2

SIOs should apply caution where evidence of this nature could support or corroborate more serious allegations.

Cross-border offending

In some cases, suspects will have committed their offences in different geographic areas over a period of time. This may include offending abroad. At an early stage in the investigation, the SIO should consider whether their investigation will be restricted to offences committed within their force area, or if the investigation's parameters will be extended to include cross-border offending.

This will depend on the number of offences committed outside the force area and the location of those additional offences. Where there is significant cross-border offending, these decisions need to be made in consultation with the gold commander.

There are significant advantages to a single force dealing with the totality of a suspect's alleged offending. Individual allegations dealt with collectively may support each other and victims may feel more confident that there are other victims being supported within the same investigation. Coordinating any prosecution is more effective if this is managed by a single lawyer advising one investigation.

Where a force feels it is unable to effectively resource a cross-border investigation, support may be available through NPoCC.

In circumstances where a force makes a decision not to investigate offences outside the force area, or where it emerges that more than one force is investigating the same suspect, it is imperative to coordinate these investigations. This ensures that investigative strategies are coordinated and complementary. Operation Hydrant will provide support to SIOs in such cases and will coordinate joint investigative strategies in support of linked investigations.

Any offending alleged to have taken place in Scotland must be referred to Police Scotland. In cases of cross-border offending, SIOs in England, Wales and Scotland need to liaise so that decisions may be made in terms of investigative ownership and jurisdiction over prosecutions.

When investigating behaviour that is committed abroad but is an offence in this country, SIOs should consider seeking advice about the extent to which their force should be responsible for behaviour outside their jurisdiction. They should also check whether the

behaviour abroad would constitute an offence here at the time the behaviour took place.

Non-statutory reviews

At an early stage SIOs should consider the possibility of other reviews that may require others to speak to the victim, for example, an investigation conducted by a public body.

In **non-statutory reviews**, the police cannot share information without the consent of the victim or informant. For example, in response to allegations of abuse in professional football, the FA has commissioned Clive Sheldon QC to conduct a review. It documents victims' agreement to have their details passed to third party review at an early stage, avoiding the police needing to call back victims purely for this reason.

SIOs should agree memorandums of understanding with those undertaking reviews and seek legal advice because of the potential impact on confidentiality and any possible legal proceedings. They should consider the situation in which victims' details are passed on for third party review. Normally this should only be at the conclusion of any criminal proceedings in order to avoid potential prejudice. Investigators should always take legal/CPS advice in cases of doubt.

In cases where third party reviews are established, the terms of reference/briefing should be available for officers to explain to victims and witnesses.

In cases where frequent/high-volume liaison may be required with third party reviews, it may help forces to establish a SPOC for consistency.

Statutory reviews may engage the powers of the **Inquiries Act 2005** to compel a force to produce this information.

3.2.4.1 Resourcing the investigation

The different parameters set by an SIO for the investigation affect the number and type of resources required to undertake it. The parameters set have a direct impact on the volume of work, complexity and the potential levels of media interest. In most cases resourcing issues will be discussed with the gold commander. To ensure an effective and timely investigation, key processes should be put in place as soon as possible.

Decisions need to be made around the following resourcing issues:

- whether the investigation is to be managed on HOLMES and, if not, what other administrative system will be used
- which Major Incident Room (MIR) roles will be used and the level of indexing to be applied, e.g., disclosure officer, exhibits officer and someone responsible for third party material
- the number of outside inquiry teams that will be deployed, their level of experience, training, accreditation and suitability to undertake this type of investigation
- the use of appropriately trained child abuse investigators for victim engagement roles within the investigation
- the use of specialist interview advisers and suitably accredited interviewers
- the intelligence resource that will be required, including researchers and

analysts

- the early appointment of a disclosure officer or team, dependent on the volume of the material to be assessed
- using national advisers from the College of Policing, NCA or Operation Hydrant – consultation should take place at an early stage with these agencies
- using external agencies to support suspect and victim strategies (see **section 1.1**).

3.3 Suspect strategies

A key strand of the overarching SIO investigation strategy will be the suspect strategy. The evidence against a person requires careful consideration by the SIO in terms of whether the suspect can or should be arrested, timing and planning any arrest, interviewing the suspect and pre and post-release considerations.

For key decision making, e.g., arrest of a suspect of public prominence or search of their premises, it is good practice to document all options considered and the rationale for choosing or discounting each option. Where these decisions have the potential to impact on victim or public confidence it is recommended the gold commander be consulted.

The SIO should consider early consultation with the CPS in making these decisions, as well as discussions with other SIOs who may be investigating the same suspect.

It may also be advisable to involve the force or NPCC media team in case information about the investigation gets into the public domain.

3.3.1 Investigation phases

For investigations containing a large number of suspects, SIOs should consider breaking the suspect phase down by adopting a staged, intelligence-led approach cognisant of any live threat, harm and risk.

Managing the risk of any ongoing offending by designated suspects requires careful consideration if there is a decision to delay any arrests pending further investigation. It is essential that partner agencies are engaged in assessing this level of risk in order that processes can be implemented to mitigate any such risk.

Many non-recent sexual abuse investigations involving multiple suspects result in split trials, so early engagement with the CPS regarding the SIO's suspect strategy is recommended.

3.3.2 Decision to arrest or interview under caution

The revised **PACE Code G** (2012) requires consideration of the necessity to arrest.

NPCC position paper on necessity to arrest identifies the elements of a lawful arrest that the arresting officer must comply with. Increased emphasis is placed on alternatives to arrest, although recent case law indicates that it is not necessary for police to consider all alternatives to arrest prior to taking this action. This becomes particularly relevant with investigations into non-recent offending.

A report produced for an ongoing operation provides further information regarding the issues to consider in respect of elderly suspects (see **Code G reference material** accessed via Operation Hydrant POLKA community).

Bail

Following amendments to bail legislation in the Policing and Crime Act 2017 there is a presumption against the use of bail unless it is necessary and proportionate to use it. The alternative is to release suspects from custody without bail; ‘released under investigation’ (RUI).

See [Pre-charge bail](#) for further information.

Extended pre-charge bail may be considered for Operation Hydrant cases if the case is designated as an exceptionally complex case. If an SIO considers that extended bail is necessary and proportionate to deal with an exceptionally complex case, they should consult the CPS.

3.3.3 Safeguarding and risk assessment for the suspect

Any SIO suspect strategy must take into account the potential damage to the individual’s reputation and the fact that this creates risk factors linked to the suspect’s safety and wellbeing.

Robust risk management of the suspect must evolve within the SIO suspect strategy as the investigation develops.

While the risk factors associated with the suspect require consideration by the SIO, these must be balanced with any safeguarding risks to vulnerable children/people. The SIO may be presented with a difficult dilemma, where protecting the rights of the unconvicted suspect conflicts with protecting the rights of vulnerable people. SIOs may have to make difficult decisions, taking into account the human rights of all those involved. SIOs may wish to seek advice from colleagues, statutory and non-statutory organisations and the CPS. Decisions and rationales should be recorded.

The suspect’s current role or public standing should be considered in terms of whether they work in a position of trust with young/vulnerable people or if they have specific involvement in fields such as charity work with vulnerable people which may contribute

to any existing safeguarding risk.

In appropriate cases, the local authority designated officer will need to be involved. It may be that the prompt suspension of the suspect is necessary and immediate contact with their employer is required. This will lead to involving further agencies and SIOs will need to consider operational security. The police have responsibilities to take effective action to protect people from harm. Information relating to the investigation, however, should be divulged only to those who need to know and only in circumstances of strict confidentiality.

Safeguarding measures should be established around the suspect's workplace, children, family and extended family/friends if vulnerable. This includes consideration for staff welfare at the institution/organisation where the behaviour is alleged to have taken place. The SIO should consider which measures can be put in place and who is most appropriate to conduct/manage them.

Safeguarding concerns – suspect suicide

There needs to be a risk assessment of the suspect while in custody and on their release. See [mental health APP](#) for advice and guidance on suicide prevention.

3.3.4 Sources of evidence

The following subheadings provide SIOs with advice in relation to sources of evidence that may help the investigation.

Searches

The SIO should develop a carefully considered search strategy. The strategy may include a number of different locations in various geographic areas. Where there are a significant number of these, the SIO needs to prioritise the order in which they are searched, depending on the value of the evidence sought from that location.

Searches of premises may take place for a number of different reasons:

- for the purpose of undertaking a forensic examination based on a victim's or suspect's account (see **forensic examinations**)
- premises previously occupied by the suspect or to which the suspect had access
- the suspect's home address, business address or other location that the suspect has access to.

In each case the SIO must record the justification for the search to take place, its specific purpose and the authority by which it is being undertaken.

Despite the passage of time, it is not uncommon for physical evidence to be found that may prove of significant evidential value to the investigation. For example, a photograph showing the suspect's appearance many years before may assist in identification procedures. Suspects may retain 'trophy' items from their abuse of victims. In more contemporary cases, investigators should consider seizing computers and other digital devices.

Officers carrying out searches should be fully briefed as to the facts of the case and they should be directed towards potential sources of evidence.

Additional conditions apply if the suspect is an MP and the search is being conducted on **parliamentary premises**.

Forensic examinations

Despite any significant passage of time since the offences under investigation, SIOs must still consider forensic opportunities that may exist when conducting searches and dealing with suspects. Fingerprint or DNA material may still be present at a scene for many years after the alleged offending actually took place.

Early consultation with a forensic manager and forensic service provider should take place to assist the development of a forensic strategy.

Medical examinations

Investigators should give consideration to the medical examination of the victim and the suspect.

Appropriate consent and authority will need to be sought to allow such examinations to take place in accordance with PACE.

Supporting witness accounts

SIOs should consider how best to seek evidence that supports or undermines witness and victim accounts. Recall can be aided by visiting venues or showing photographs.

Investigators should consult the CPS, the National Vulnerable Witness Adviser and, if appropriate, a forensic psychologist. These specialists can advise on the best way to undertake scene visits.

Where a victim or witness can describe in detail a specific location relevant to the inquiry, a detailed search and examination of that location may reveal evidence.

Maps and plans may also be available that show the original design of a building prior to significant structural changes being made.

Identification

A robust process for identification may rely on the ability to elicit information from the victims through effective questioning. Specific challenges exist where the offence took place within an institution – these are detailed in the following paragraphs.

Early consultation with the CPS is suggested, as they will advise on the cases for which they think an identification procedure is needed.

Sometimes identification of a suspect will be straightforward, eg, a ‘geography teacher at XX school between X and Y dates’, but sometimes suspects may only have been known by nicknames. Nicknames may be given to members of staff based on specific characteristics and, consequently, over a prolonged period of time, different members of staff may have had the same nickname. Staff records and reports may no longer exist or, if they do, they may not be as accurate or as comprehensive as those kept to today’s standards.

It is important that the investigation identifies the right suspect(s) so that effective measures to gather evidence can be taken.

A staff/group picture can be a useful starting point. In the first instance, provenance of who is depicted in the photograph is required. If the suspect denies being depicted and there is no other legitimate person who can say he or she is depicted (for example, wife, husband or partner), the photograph cannot be used as evidence of identification.

It is important to comply with present day identification procedures, for example, a photograph of staff needs to be obtained along with a number of photos of others to allow the victim to pick out the suspect.

Where recent photographs of suspects are used, it will be necessary to link current appearance to the appearance of the person at the time of the alleged offending behaviour. For example, significant changes in appearance will need explanation.

The identification procedure should follow current identification procedures, including being overseen by an inspector who is not part of the investigation team.

Third parties

Where an SIO is required to engage with a third party agency, consultation with senior representatives from that agency will allow the SIO to understand a number of issues in relation to:

- codes of practice that existed at the time
- quality of record keeping in a particular era
- managing expectations around timescales for obtaining material.

As referenced in the victims and witnesses section of this advice, where third party material exists in an investigation, early consultation should take place with the CPS to determine how the material will be reviewed as part of the investigation.

For further details on information sharing see:

- **CPS protocol arrangements.**
- **Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children (2018).**

National Offender Management Service

In investigations involving abuse reported within prisons and probation establishments, Her Majesty's Prison and Probation Service (HMPPS (formerly NOMS)) has a Historical Child

Abuse Team (HCAT) which can assist. The HCAT is a national team established to manage and coordinate the increasing demand being placed on HMPPS to respond to, investigate and manage risk in relation to non-recent child sexual abuse which took place within its institutions. **HCAT** contact details are available via the Operation Hydrant POLKA community.

3.4 Interview strategy

The SIO should consider appointing a specialist advanced suspect interview adviser when formulating the interview strategy. The PEACE model should be applied consistently to ensure that the identified aims and objectives of the interview are met. In addition, with non-recent child sexual abuse cases, the interviewing officer needs to be fully briefed on the context of the era in which the offence took place.

For example, in a case involving a detention centre for young offenders, the interviewer should be aware of how and when corporal punishment was legally used.

Investigators should also consider consulting with a national investigative interviewing adviser through the NCA. See **APP on investigative interviewing**.

3.4.1 Older suspects

In planning the arrest phase of the investigation, SIOs should consider the additional welfare needs that may exist with older suspects. Consideration should be given for the provision of extra custody nurses if a number of older suspects are to be arrested together.

SIOs should consider briefing arrest and search teams to ensure that any medication is brought into custody with the suspect to protect welfare and avoid delays.

The forensic medical examiner (FME) assesses the matter of fitness. Even if the suspect states they are 'fit and well', the FME and the custody sergeant must still make an assessment. Age and the stress of arrest are criteria that would affect the assessment. Investigators should consider using specialists in older person care. Acting in the spirit of Code C (annex G), SIOs should consider consulting the FME regarding fitness to interview (and fitness to detain where appropriate), even when the suspect attends voluntarily. The SIO should also consider the attendance of an appropriate adult.

If the solicitor acting for a suspect who has agreed to attend for interview voluntarily suggests that their client is not fit to be interviewed, investigators should consider arranging for an FME to be present at the time of the appointment. This allows them to make a formal assessment as promptly as possible, removing the risk of any unwarranted delay.

3.4.2 Suspect interview planning

The following points are key elements of the interview strategy:

- appointing a specialist advanced suspect interview adviser
- selecting appropriately trained and accredited interviewers
- interview timings and stages
- remote monitoring – using a mobile HOLMES terminal has proved effective for one particular force (mobile HOLMES terminals were used when watching and/or listening to the interview as it took place, which meant that officers were always ready to look into and respond to what the suspect said in interview)
- interview recording
- interview locations
- PACE detention times
- warrants of extended detention
- fitness to be interviewed
- appropriate adults
- interpreters
- experts
- outside inquiry team.

The **SIO Considerations** document produced by the national investigative interviewing adviser with the NCA provides more detail and is accessible via the Operation Hydrant POLKA community.

3.5 Professional standards considerations

As well as focusing on the criminal investigation, SIOs must remain aware of comments in accounts provided by victims (or their agents) that indicate some form of dissatisfaction or failing by police whether that be against individuals or the organisation. Such comments can be overt and expressly critical, but that is not always the case. Often they may be quite subtle and merely implied in the account provided and are therefore easy to overlook. A victim may not even be aware that what they have said might indicate a failure in policing. Potential failings might only become apparent to a reviewing SIO who might question previous police action.

There are three main elements to consider regarding police involvement:

- inadequate investigation as a consequence of lack of understanding or awareness of the issues
- deliberate interference with investigations or collusion to unduly influence an investigation
- the potential that officers may have been a party to any exploitation and offending in certain circles.

SIOs must ensure that any such matter is referred to their professional standards department for assessment. The appropriate authority will then make a recorded decision and direct further action.

3.5.1 Home Office Records

The Home Office receives regular requests for disclosure of information and searches for material having the potential to be relevant to ongoing non-recent child abuse inquiries. These requests often relate to Persons of Public Prominence (PPPs) holding public office and Home Office approved schools etc.

In an effort to standardise the service and simplify the process of searching for relevant material, Operation Hydrant and the Home Office now have a Memorandum of Understanding (MOU) in place that is recognised as the only route to access or search Home Office archives.

The Home Office has transferred a considerable volume of records beyond their control over the years. For example ‘approved school’ records were transferred to local authorities when they assumed control of the facility and many other records are now in the National Archives. Disclosure Officers are requested to bear this in mind before submitting requests to the Home Office via Operation Hydrant.

The Home Office archives are vast and can only be searched using specific information such as names, locations etc. In the event that a search of Home Office archives is required, a request should be directed to the Operation Hydrant SPOCs containing the specific details to be searched. (See Operation Hydrant POLKA community).

The reply will be directed to the requesting force via Operation Hydrant and will confirm the search criteria applied to the system. In the event of a ‘positive’ search, this will indicate items are present which may be of relevance. Before responding positively to a search enquiry, the Home Office will review the document(s) according to the Government Protective Marking Scheme (GPMS) and specify the level of vetting required to view the material.

The Home Office will not assess the relevance of documents on behalf of the force. It will be for the force to provide a suitably vetted staff member (evidenced in advance) to attend and view the material. Operation Hydrant will facilitate this contact but will not hold or view the material.

In the event that a force requires a copy of the relevant document(s) this must be negotiated directly with the Home Office SPOC after the material has been viewed and assessed, and procedure will be dictated by the GPMS marking attributed to each document.

3.6 Liaison with Crown Prosecution Service/decision to prosecute

In high-profile cases, the Director of Public Prosecutions may become involved in charging decisions.

SIOs should seek early investigative advice from the CPS in cases of this type. This may assist the SIO in determining the parameters of the investigation and its main lines of enquiry. In major or complex cases, this advice may continue throughout the investigation to the point at which a decision to prosecute is made.

In those cases where there is a decision not to prosecute, the SIO and the CPS should consider:

- what support will be offered to the victims
- whether the victims understand the Victims' Right to Review scheme under the Code of Practice for the Victims of Crime
- the ongoing safeguarding risks that may result
- whether to advise the victim of the existence and purpose of IICSA (Independent Inquiry into Child Sexual Abuse).

3.6.1 Release of information at the conclusion of an investigation

The same considerations that apply to the release of information into the public domain following a court case or an investigation that does not result in a criminal trial where the suspect(s) are alive, apply to non-recent cases where high profile people or institutions are involved.

Guidance for all of these situations can be found in College of Policing Media APP.

The overarching guidance of the Media APP also applies where an investigation has taken place into a crime alleged against a deceased suspect. Decisions about what information to release into the public domain in these cases must take account of the:

- principle that a person is innocent until proved guilty;
- fact that the accused person is not able to defend themselves against the allegation(s);
- need for each decision on what to release into the public domain to rest on the facts that apply to that particular case;
- requirement to avoid stating or implying that a suspect is guilty.

In many cases, including those where there is a high public profile to the investigation, it may be appropriate not to release information into the public domain.

Where, following careful consideration, a decision has been made to release information about an investigation into a deceased suspect into the public domain, the wording used must strike a balance between the need for transparency and accountability of the police and the need to observe the principles above. Information should be sufficient to assure the public that there is no continuing risk of harm to people, or that any risk is being managed. It should also indicate, in appropriate cases, that the current investigation is complete. It may be appropriate to state that, if the suspect were alive, further investigation may have followed.

It is for a court to decide guilt or innocence. It is important to make clear that the police are making no judgements about guilt, that the suspect is considered innocent unless proved guilty and that the person concerned is not able to defend her/himself.

Careful consideration is also required about how the information is to be released. It may be appropriate to issue a statement but not take questions. Once this approach has been adopted, it is a continuing approach to be maintained for all questions about the investigation unless a decision to the contrary is made. The advice of a senior colleague or gold group may be helpful.

3.6.2 National Child Sexual Abuse Review Panel

The **National Child Sexual Abuse Review Panel** deals with child sexual abuse cases that were reported and investigated before 5 June 2013. It is a useful means of review for victims of non-recent child sexual abuse, and allows victims to contest or challenge decisions.

The criteria for cases that the national panel considers are:

- the victim was a child when the alleged offence occurred
- the case was investigated and a decision was made by either the police or the CPS to take no further action
- the suspect may still pose some risk.

In cases where the SIO feels the CPS decision is inappropriate, they should consider challenging the decision. In previous cases, it has been valuable to use counsel who were experienced in challenging decisions made in cases of non-recent abuse.

3.7 Operation Hydrant investigative support

Operation Hydrant can provide assistance to SIOs in a number of ways when dealing with non-recent child sexual abuse investigations.

Operation Hydrant acts as a conduit for the public inquiry with its engagement with police forces. This element of Operation Hydrant's work has two main themes – operational coordination and SIO review. There are memorandums of understanding that underpin both themes and are available to forces.

3.7.1 Operational coordination

Different investigations occasionally involve the same suspect or victims. Often this scenario can be complex.

Where multiple forces are involved in cross-border investigations, Operation Hydrant undertakes a coordinating role to ensure policing is effective and that there is a single investigative strategy. Two models are used to achieve this:

- **Lead force:** A single force takes the lead and investigates a number of cross-border allegations involving the same victim or suspect. An initial strategy meeting involving all affected forces will be held to agree the lead force and establish how it will manage the investigation.
- **Coordinated:** In cases where there are a number of established investigations involving the same victims or suspects, a coordinated strategy implemented by each force will ensure investigations progress in an efficient way and without conflict. For example, timing of arrests or media releases can be agreed in advance. Regular update and review meetings involving SIOs are also advised. The national coordinator for Operation Hydrant or deputy will facilitate and chair such meetings where necessary.

3.7.2 SIO review cadre

Part of Operation Hydrant's remit is to capture learning from the police service and develop best practice, acting as a centre of knowledge and expertise.

Members of the Operation Hydrant team are available to be contacted informally and directly within each of their specialist fields to provide advice or guidance. Operation Hydrant also maintains a list of operational SIOs with recent experience of these complex investigations.

Specialists from the team can also attend force gold groups at critical points, to provide the national context as well as perform the role of critical friend. Visits by members of the team to forces maintains ongoing dialogue and engagement with SIOs, communications leads or heads of professional standards around Operation Hydrant cases.

Forces can take advantage of more formalised peer review or support sessions. These can take several forms, dependent on the need of the force, and can be at any stage of the investigation – from the initial receipt of allegations and scoping phase, through to pre-trial planning.

Undertaken by members of the Operation Hydrant team, supported by SIOs from the review cadre, and including specialists if required, they include:

- **Peer Support:** Operation Hydrant will provide advice in relation to any investigation either as part of its set up and during its course. This can include peer support to provide advice and recommendations in relation to a whole range of strategies.
- **Peer Review:** This involves an experienced and independent SIO, supported by a team, conducting a formal review of an investigation and providing recommendations on future investigative strategies and actions.

It is a matter for the requesting force to set the terms of reference and to decide which strategies they wish to be subject to the process.

For further information relating to Investigation Management see:

NPCC position paper on necessity to arrest

NPCC position paper on voluntary interviews under caution

APP on investigation – working with suspects (TIE strategy, arrest strategy).

Summary – Key SIO actions

Investigation management

- Consider and review the decision to investigate bearing in mind the necessity for safeguarding and the obligation of the state to protect human rights – involve force head of crime and senior command team if significant safeguarding risks exist or there is likely to be a high level of media interest.
- Appoint a gold group where strategic oversight is needed.
- Consider the extent to which power and influence was a factor in facilitating the alleged behaviour, including any subsequent covering up of allegations and/or evidence.
- Carefully consider time parameters for the investigation – consider how this may affect the victim strategy, e.g., resourcing implications.
- Consider the point at which the suspect becomes formally nominated as part of the investigation.
- Consider whether their investigation will be restricted to offences committed within their force area, or if the investigation's parameters will be extended to include cross-border offending.
- Consider the impact on the victim of parallel investigations.
- Agree memorandums of understanding with those undertaking reviews and seek legal advice (in line with potential impact on confidentiality and any possible legal proceedings).
- Be familiar with sensitive upload facilities of PND that provide a scalable security approach.
- Develop suspect strategy – consider early engagement with the CPS and other SIOs who may be investigating the same suspect.
- Within the suspect strategy consider the risk factors to the suspect's safety and wellbeing where there is potential damage to their reputation.
- Establish a robust search strategy – Fingerprint or DNA material may still be present at a scene for many years after the alleged offending actually took place.
- Comply with present day identification procedures.
- Consider appointing a specialist advanced suspect interview adviser when formulating the interview strategy.
- Consider the additional welfare needs that may exist with older suspects – provision of extra custody nurses if a number of older suspects are to be arrested together.
- SIOs should consider briefing arrest and search teams to ensure that any medication is brought into custody with the suspect to protect welfare and avoid delays.

- Consider interview implications of older people. Even if the suspect states they are ‘fit and well’, the FME and the custody sergeant must still make an assessment. Age and the stress of arrest are criteria that would affect the assessment. This applies if the suspect attends for interview voluntarily. Also consider the attendance of an appropriate adult.

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4. Cross-border issues and offences abroad

Operation Hydrant can assist with negotiations to determine what model of coordination should be adopted and, if it is to be a lead force approach, which force should lead.

Once primacy has been decided, the force with primacy has responsibility for all victims, witnesses and suspects related to the investigation throughout the country. The SIO will need to consider the best way to contact victims and witnesses. In many cases it is best for officers from the investigation team to travel to complete enquiries, providing consistency and timeliness, as well as sending a positive message to victims that the matter is being taken seriously. In some situations it may be necessary to use technology, such as video conferencing or similar, but this should only be in exceptional circumstances. This option should not, however, be used for significant witnesses or where the interview may cause trauma to a victim.

Where it is not possible for a force to conduct all enquiries in person, cooperation may be needed from other relevant forces. Where this is likely to occur in any volume, the SIO is advised to request a SPOC within each relevant force, preferably a senior detective to coordinate enquiries and ensure the timeliness of responses and standard of work.

Overseas enquiries

There may be allegations of behaviour abroad that may constitute an offence in this country. SIOs should consider if offences are committed under the following legislation:

- Section 72 Sexual Offences Act 2003.
- S76 Sexual Offences (Northern Ireland) Order 2008.
- S55 Sexual Offences (Scotland) Act 2009.

Many offences disclosed in non-recent abuse investigations, will however, pre-date these laws and as such remain entirely within the jurisdiction of the CJS of the relevant country.

The SIO may wish to consider transferring the allegation to the relevant country to investigate. In any event, it is recommended that the relevant country is notified of the crime. In reality, many reports will not be investigated if transferred to the country of origin because the crime will be barred, for example because of time limits on investigation. It is possible that alleged behaviour abroad that could constitute an offence if committed in England or Wales might form the basis of an application for a Sexual Risk Order.

Where witnesses and suspects are abroad, the SIO will have to decide whether investigators travel to the relevant country to complete an interview. Any deployment must be proportionate. The nature and significance of the evidence the witness can potentially provide and the strength of the evidence substantiating the allegation against a suspect will support decision making.

Other considerations that help decision making about whether to deploy investigating officers to foreign jurisdictions include:

- Interviewing significant witnesses or victims in person maintains investigative standards.
- If the suspect is an older person, travelling to the suspect's location to interview under caution may be the only opportunity the suspect has to respond to the allegations.
- There may be a risk that a suspect may die before extradition to the UK.
- An interview under caution may strengthen an extradition application.

If information is needed as evidence an International Letter of Request is required. Mutual Legal Assistance can be a resource intensive and time-consuming process, placing considerable burdens on the requested state. It should, therefore, be used only where the evidence is necessary and expected to add value. It must not be used if material can be obtained through other means, e.g. where material is already in the public domain or where it can be obtained through police cooperation. An EIO is another option. See APP on European investigations for further information.

Advice and assistance regarding all international matters is available via the UK International Crime Bureau within the National Crime Agency.

5. Independent Inquiry into Child Sexual Abuse

The Independent Inquiry into Child Sexual Abuse (IICSA) has been set up to investigate institutional child sexual abuse, examining what went wrong and challenging institutions responsible. There are three branches – [Public Hearings](#), [Research and Analysis](#) and the [Truth Project](#).

Operation Hydrant receives referrals from IICSA relating to allegations of policing failures or wrongdoing. There is an integrity strategy in place concerning such referrals where it is alleged:

1. the police failed to investigate (whether properly or at all) a report of child sexual abuse
2. the police deliberately refused to investigate a report of child sexual abuse, ie a cover up
3. a police employee perpetrated child sexual abuse.

Operation Hydrant's referrals team will notify the Operation Hydrant Standards Unit, who will undertake a review, and bring the allegation to the attention of the relevant force where necessary. The Standards Unit will refer to professional standards guidance and legislation for England and Wales.

If a referral from the Inquiry leads to an investigation, and an investigator believes that the Inquiry may hold material that could be assessed as relevant under the Criminal Procedure Investigations Act (CPIA), they should approach the Inquiry for disclosure. This test requires clear belief within the mind of the investigator that the Inquiry may hold relevant material. It is not necessary or appropriate to make speculative requests for disclosure in order to satisfy the requirements of the CPIA.

The request for disclosure should be made through Operation Hydrant and only at the stage when an investigator believes they will be approaching the Crown Prosecution Service for a charging decision.

The inquiry is required under its terms of reference to refer details of any allegation of child abuse to the police. It does that by sending them to the Operation Hydrant referrals team, who will record, research and disseminate to relevant forces as appropriate. The disseminations are made to allow for safeguarding actions to be carried out, intelligence to be recorded/developed and for crimes to be recorded and investigated in compliance with the National Crime Recording Standards.

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Name of meeting: Professional Committee
Date of meeting: 5th December 2018
Item lead at meeting: David Tucker
Agenda item number: 10
Title of paper: Operation Hydrant Advice

1. Issue

- 1.1 The College has adopted the Operation Hydrant SIO's Advice document and now proposes to publish it for public consultation.

2 Recommendation

Professional Committee decision required **Yes**

Professional Committee is asked to:

- a) Consider the contents of the advice document, particularly sections on decision to investigate (para 3.2.2) and information to put into the public domain at the conclusion of an investigation (3.6.1).
- b) Advise on publication.

3. Summary

- 3.1 Operation Hydrant is the team that coordinates investigations into non-recent allegations of child sexual abuse and exploitation that involve institutions and/or high profile people. Each investigation has a local senior investigating officer (SIO) and the Op Hydrant team works to avoid operational conflicts between investigations and draw together the experiences of SIOs for the benefit of others investigating these types of offences.
- 3.2 The advice document draws on the experience of Op Hydrant SIOs. It is 'advice' based on techniques and approaches that SIOs have found to be helpful and/or effective in dealing with sensitive investigations.
- 3.3 In 2015, the Op Hydrant team delivered the first version of the advice document to the College for publication for dissemination at the Op Hydrant SIO conference that was to be held in the near future. The College had not been involved in the writing of the document, although a policing standards manager had maintained liaison with the Op Hydrant team. Because of the limited time available, the Faculty Lead for Crime and Criminal Justice at the College agreed to carry out a brief critical read to ensure that content was legally sound and that it was consistent with other advice and guidance. The College did not apply a full review of content and did not carry out public consultation, the preferred course for such sensitive material.
- 3.4 The Advice for Operation Hydrant SIOs was delivered in print to the conference and made available on the SIO's POLKA site. It was not published.

- 3.5 The document was updated in 2016, following the same truncated approval process, and the new version made available to SIOs. It was not published.
- 3.6 Following the publication of the Operation Conifer investigation report in 2017, concerning Sir Edward Heath there was extensive public and media interest in the Operation Hydrant Advice document and it was disclosed under Freedom of Information Act requirements.
- 3.7 In view of the publication of the document under FOIA, the faculty lead agreed with the Op Hydrant coordinator and the national policing lead, CC Simon Bailey, that future versions of the document should be published.
- 3.8 The document has now been fully reviewed and edited by College staff, including the faculty lead and head of knowledge and research. It has been quality assured by the College legal team and equality and diversity checks have been completed. The content has been finalised and it is now almost ready for release for public consultation. There are formatting issues to be resolved through the publication process.
- 3.9 Most content is uncontroversial because it describes the processes that have been found to be helpful by SIOs in carrying out these sensitive investigations. In particular, there is extensive content on how to make contact with potential victims and witnesses, avoiding allegations of 'trawling'; cases where the police may be accused of enabling people to claim to be victims, by releasing too much information, when they are not.
- 3.10 It is likely that the document will be subject to media interest particularly in relation to the way in which the balance between victim and suspect rights are described. The current position on 'belief' is set out, reflecting the Home Office Counting Rules.
- 3.11 Further attention may be directed to the sections on considerations on decisions whether to investigate allegations of non-recent sexual abuse and the information that can be released once an investigation is completed.
- 3.12 The document was delayed awaiting the decision of the Supreme Court in the case of DSD v Met Police Commissioner. This case addressed the responsibilities of the police to investigate allegations of crimes, whether or not committed by state actors, where the Article 3 rights of the victim (the right not to be subject to inhumane or degrading treatment) may have been infringed. Paragraph 3.2.2 reflects that decision and has been subject to legal checks.
- 3.13 A further area for attention may be the paragraph that gives advice on what information to release into the public domain at the conclusion of a case, including in cases when the suspect is dead. Paragraph 3.6.1 sets out the principles to be considered, in particular that a person is innocent until proved guilty and that the suspect is not in a position to defend themselves from allegations.
- 3.14 The Operation Conifer closing report stated that, had Sir Edward Heath been alive, he would have been interviewed under caution. The investigation team relied on a paper developed by the Operation Hydrant team that set out what information could be put into the public domain in cases where the suspect had died. The College had no part in developing that advice and has never been asked to comment on it. The advice in paragraph 3.6.1 has been developed by senior staff at the College and suggests a

more limited approach. The advice states that at the conclusion of an investigation the closing report may state that, had the suspect been alive, the investigation would be continued. The more limited wording reflects the view of the authors that this is as far as disclosure could go without infringing on the principles of fairness.

3.15 Once it has been agreed that publication for consultation can take place, contact will be made with CC Simon Bailey, the national policing lead, and CC Mike Veale, who was in charge of Operation Conifer as chief constable of Wiltshire, to alert them to the potential for media interest.

4. Annexes

Annex A – Draft of Operation Hydrant Advice Document

Author name: David Tucker

Author job title: Faculty Lead, Crime and Criminal Justice

Author email: [REDACTED]

Author tel number: [REDACTED]

Sponsor (if not Author):



College of
Policing

Annexe A

NHP Guidelines – Social media activity

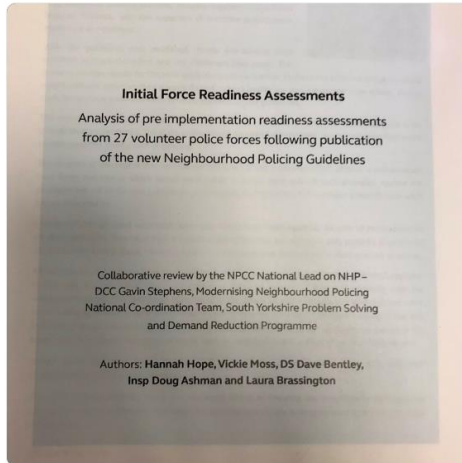
Interest generated



Gavin Stephens
@DCCStephens

Follow

Day 2 of [#neighbourhoodpolicing](#) event
[@CollegeofPolice](#) starting with a review
against the guidelines to identify good work
and where we need to invest more



1:18 am - 28 Sep 2018



Sgt James Main
@SgtJamesMain

Follow

Sharing the shared [@CollegeofPolice](#)
[#NeighbourhoodPolicing](#) 7 clear priorities
with the North Lincs Neighbourhood Teams



12:37 am - 8 Oct 2018

4 Retweets 13 Likes



North Yorkshire Police
@NYPolice

Follow

[#NeighbourhoodPolicing](#) has always been
right at the heart of our service - we've done
a huge amount of work with our
neighbourhood teams to ensure we have the
right people in the right places, with the
equipment & training they need to do the job
effectively. 🙌



College of Policing @CollegeofPolice
[#NeighbourhoodPolicing](#) guideline 6: Developing officers, staff and
volunteers. Developing the knowledge and skills of officers, staff
and volunteers helps lead to stronger collaborations with
communities and partners bit.ly/2y7VZXX

3:53 am - 9 Oct 2018

3 Retweets 12 Likes



Supt. Stan Gilmour
@StanGilmour

Follow

Bookmark the [@CollegeofPolice](#)
[#NeighbourhoodPolicing](#) Guidelines.
Fabulous resource. [bit.ly/2C31Pad](#)

1:32 pm - 9 Oct 2018

5 Retweets 4 Likes



Problem Solving & Deman...
@PSDRprogramme

Follow

[@CollegeofPolice](#) have officially launched
their new Neighbourhood Policing guidelines,
which cover 7 key areas. Today they are
highlighting the 2nd guideline, Problem
Solving. A key principle underpinning the
work of neighbourhood teams to effectively
address community issues



College of Policing @CollegeofPolice
Problem solving tactics should address long-term issues affecting
communities, provide reassurance and reduce demand on the
service. Read the guidelines: [bit.ly/2OeCTD4](#)
[#NeighbourhoodPolicing](#)

8:15 am - 2 Oct 2018

5 Retweets 10 Likes



Supt Sue Peters
@BTPPeters

Follow

One of the many examples show [@BTP](#) at
the forefront in today's policing landscape
[@ACCRobinSmith](#)

Recent [@CollegeofPolice](#) guidelines
discussed by [@DCCStephens](#)

Engaging communities looks like this 🙌

[#NeighbourhoodPolicingMatters](#)



BTP Merseyside @BTPMersey
[#Neighbourhoodpolicing](#) productive PACT meeting to discuss
ongoing issues in the city centre 'Understanding community needs'
- @Merseyrail @Merseytravel @MerPolCityCen
@LpoolBIDCompany @lpoolcouncil @BTPGregory @btp

4:00 am - 4 Oct 2018

6 Retweets 13 Likes



Supt. Stan Gilmour
@StanGilmour

Follow

Bookmark the [@CollegeofPolice](#)
[#NeighbourhoodPolicing](#) Guidelines.
Fabulous resource. [bit.ly/2C31Pad](#)

1:32 pm - 9 Oct 2018

5 Retweets 4 Likes



Insp Paul French
@InspPaulFrench

Follow

Nice to see [@Vickyh2b](#) today from
[@RuralCrimeNfk](#) at [@CollegeofPolice](#) for
launch of Modernising Neighbourhood
Policing Guidelines. Looking forward to
presenting with [@SgtJamesMain](#) on our
[#earlyintervention](#) team.



2:02 am - 27 Sep 2018

2 Retweets 13 Likes



Sgt James Main
@SgtJamesMain

Follow

My team have had their lockers 'decorated'
this morning with the [@CollegeofPolice](#)
Neighbourhood Policing Guidelines posters
[#NeighbourhoodPolicing](#) - the back bone &
principles to policing - serving & protecting
our [#communities](#) Will they notice?



4:29 am - 17 Oct 2018

1 Retweet 24 Likes



Leicestershire Police
@leicspolice

Follow

A film featuring [@leicspolice](#)'s work to tackle
knife crime has been produced by
[@CollegeofPolice](#).

"We've recovered hundreds of knives and
took them off the streets, less people have
been killed as a result."
[#NeighbourhoodPolicing](#) [#LivesNotKnives](#)



Neighbourhood policing - Tackling knife crime in Leicester...
Sergeant Glen Icton and Police Constable Kevin Mistry from
Leicestershire Police, talk about how their work to tackle knife
crime has made a positive impact...
youtube.com

5:06 am - 2 Oct 2018

1 Retweet 2 Likes

Measures of success

3 week campaign period: 27 September – 17 October 2018

Website

Website engagement measures	Result	What it's measuring
Clicks on web homepage carousel	361	Awareness of guidelines
Website page views of NP related material	2349	Awareness of guidelines
Downloads of material from web pages	392	Awareness of material
Downloads of poster packs from web pages	74	Engagement with material
Avg. time spent on NP related web pages	2 min 10 sec	Engagement with web material

YouTube – 3 videos posted

Case study videos x3	Result	What it's measuring
Views	863	Awareness of campaign

Social media: Measures of success

3 week campaign period: 27 September – 17 October 2018

Twitter – 18 messages sent

Metrics	Result	What it's measuring
Views of case study videos – native Twitter video	7,300	Engagement with case studies
Link clicks to campaign webpages	456	Engagement with campaign
Reach of posts	1.3m	Awareness of campaign
Likes	420	Engagement with campaign
Retweets	208	Engagement with campaign
Comments	51	Engagement with campaign

Social media: Measures of success

3 week campaign period: 27 September – 17 October 2018

Facebook – 11 messages sent

Metrics	Result	What it's measuring
Views of case study videos – native Facebook video	5,763	Engagement with case studies
Link clicks to campaign webpages	88	Engagement with campaign
Reach of posts	28,077	Awareness of campaign
Likes	60	Engagement with campaign
Retweets	11	Engagement with campaign
Comments	14	Engagement with campaign

Measures of success

Most engaged with neighbourhood policing post on Twitter:



College of Policing
@CollegeofPolice

Follow

Watch Inspector Marcus Cator from @HantsPolice explain how the Evidence-Based Policing Tool helps officers protect and serve the community: "We can view mental health and identify which callers of service are vulnerable." Full video: [youtube.com/watch?v=trLcVJ...](https://www.youtube.com/watch?v=trLcVJ...)



8:46 AM - 5 Oct 2018

Reach: 254,000

Likes: 29

Shares: 13

Comments: 3

Video views: 3,554

Measures of success

Most engaged with neighbourhood policing post on Facebook:



College of Policing

Published by Sprout Social [?] · 1 October · 🌐

👍 Like Page



Today we kick off our focus on neighbourhood policing over the next few days. We'll be taking you through the guidelines and the positive impact work in forces is having. Follow us for more and see the guidelines here <https://bit.ly/2ljW9cM> #NeighbourhoodPolicing

Reach: 638

Likes: 14

Shares: 3

Link clicks: 15





Name of meeting: Professional Committee
Date of meeting: 12th December 2018
Item lead at meeting: Richard Bennett
Agenda item number: 11a
Title of paper: **Neighbourhood policing (NHP) guidelines – project summary**

1. **Issue:** Awareness raising: To provide a summary of NHP guideline project development and subsequent implementation
2. **Recommendation:**
Professional Committee decision required: No
 - 2.1. Professional Committee is asked to note the following.
3. **Summary**
 - 3.1. Professional Committee is asked to note progress on the publication and implementation of Neighbourhood Policing Guidelines that have been developed by the College working with the NPCC, APCC, front line staff subject matter experts and academics.
 - 3.2. A total of seven Neighbourhood Policing guidelines have been developed through adoption of the piloted 'Guideline Committee' approach to creating guidelines. Launched on 1 October 2018, the guideline titles are as follows:
 - Engaging communities
 - Solving problems
 - Targeting activity
 - Promoting the right culture
 - Building analytical capability
 - Developing officers, staff and volunteers
 - Developing and sharing learning.
4. **Background Information**
 - 4.1. The aim of the project was to develop and publish evidence-based guidelines on effective neighbourhood policing in response to the 2016 HMIC effectiveness inspection report - specifically, 'to review the existing evidence about what makes effective neighbourhood policing, and develop and issue national guidance setting out the essential elements of neighbourhood policing which all forces should provide.'
 - 4.2. Draft Guidelines were developed by the College working with a Guideline Committee comprised of front line staff, subject matter experts and academics, chaired by [REDACTED] and heavily supported by College staff.

- 4.3. A closed consultation was held from 20 December 2017 to 2 February 2018 in order to share the draft guidelines with chief constables and key stakeholders. Further work was carried out to develop supporting materials for the guidelines in preparation for a public consultation. A six week public consultation took place between 29 June and 9 August 2018.
- 4.4. In response to the public consultation there were 8351 views on the NHP webpages, and 1089 downloads of materials – although only two completed feedback forms were received. A small number of email responses were also submitted which included observations of the work, and reflections of how these compare with previous initiatives to support neighbourhood policing.
- 4.5. All feedback from the Guideline consultation was reviewed by the College Development Team, in conjunction with the Guideline Committee.
- 4.6. The key revisions made were:
 - Removal of reference to ‘modernising’ from the title of the guidelines and moving it to [REDACTED] foreword.
 - Developed references to anti-social behaviour
 - Stronger emphasis of the importance of partnerships
- 4.7. The guidelines are based on the best available evidence for how effective neighbourhood policing can be delivered. They are aimed at Chief Officers but are accompanied by a body of supporting material that provides more practical information, including case studies, for front line, supervisory and managerial practitioners. The guidelines and supporting materials were launched in their final version on 1 October 2018. The bank of resources to support implementation of the guidelines has steadily increased since the launch and includes downloadable posters and video case studies featuring frontline officers involved in specific interventions.

Launch success:

- 4.8. A robust communication strategy delivered significant interest in the launch of the guidelines.
- 4.9. A three week promotional campaign took place between 27 September and 17 October 2018. This included the social media ‘Guideline a day’ campaign (1 Oct – 9 Oct).
- 4.10. Overall, social media posts achieved a reach of 1.3m, with 208 retweets and 420 likes, while the NHP video case studies received 7,300 views. (See Appendix A for further social media results).
- 4.11. The work of the guideline committee members to promote the guidelines on social media brought positive results. A supportive blog was published by the Police Foundation, while forces were seen to be re-tweeting messages from the College. There is also evidence on force social media that the A3 poster marketing materials are being used.
- 4.12. The Neighbourhood Policing Conference (27 - 28 September 2018) also played a successful role in the launch of the guidelines. This event was jointly hosted by NPCC and College of Policing, with attendees from all the early adopter forces (see next steps below). Live tweets of photos and comments from delegates and speakers were generated from the conference.

Next Steps:

- 4.13. Thirty early adopter forces are now working with the NPCC supported by the College with funding support for project support and administration coming from the PTF Problem Solving programme in South Yorkshire Police.
- 4.14. Participating forces are split into 5 regions, each with a nominated lead:

Region	Lead
North	A [REDACTED], Humberside
Wales	[REDACTED], South Wales
Midlands	[REDACTED], Leicestershire (currently awaiting confirmation of replacement due to [REDACTED])
South West	[REDACTED], Avon and Somerset
South East	[REDACTED], Hampshire

- 4.15. The Early adopter forces have undertaken readiness assessments against the guideline areas, with a number of forces having undertaken peer review to inform the readiness assessment.
- 4.16. Highlights at regional and national level have been summarised in a progress report. This has been shared to all chiefs nationally via Chiefs' net and has also been added to the knowledge hub group. The project team has reviewed the readiness assessments to highlight those areas where forces are scoring less well in order to signpost them to forces who rate themselves higher, facilitating the sharing of learning and experience. Gaps identified to date are as follows:
- Analytical capability: there has been a reduction in partnership analytical capability, with efficiencies in this area made by many forces. Further work is required to identify how the analytical support for neighbourhood policing is to be met.
 - Performance measurement: it is expected that preventative activity is difficult to measure, at present there is no consistent performance scorecard available to forces to assist in measuring neighbourhood activity.
 - Development of officers/staff: training for neighbourhood PCs and PCSOs varies by force, with the creation of national role profiles for constables, sergeants and PCSOs there is an opportunity to refine this to include annual CPD.

4.17. In addition to the 5 regional leads, thematic leads have been nominated for the four areas highlighted as requiring development in guideline 7:

Theme	Lead/Force
Counter terrorism	[REDACTED], Sussex
Serious and organised crime	[REDACTED], Hampshire
Vulnerability	[REDACTED], Lancashire
Online and digital engagement	[REDACTED], Gwent

4.18. Work now continues to support the thematic leads in identifying promising practice to share in the guideline 7 areas and in those areas where forces identified the most development need.

5. Annexes - Annex A – NHP Guidelines - social media activity

Author name: Richard Bennett

Author job title: Faculty Lead – Uniform Policing

Author email: [REDACTED]

Author tel number: [REDACTED]

[Note requirement for footer below – to be included on all reports and meeting submissions]



Name of meeting: Professional Committee
Date of meeting: 12 December 2018
Item lead at meeting: Mike Cunningham
Agenda item number: 11b
Title of paper: Co-ordination and Development Group/College Business Update

1. Issue:

- 1.1 This paper provides an overview of current College activity, as well as an update following the latest Coordination and Development Group (CDG) meetings.

2. Recommendation

- 2.1 Professional Committee is requested to:
- a) Note the update following the most recent CDG meetings;
 - b) Note the highlight report of current College Business.

3. Co-ordination and Development Group Update

- 3.1 The following proposals for College resource, not within the current business plan, were presented and discussed at the Coordination and Development Group held on 10th October. The September meeting was cancelled and there were no request for additional resource made at the meeting on 19th November.

Product	Decision
Crime in action e-learning package: <i>Modification of existing crime in action eLearning package from a local to a national College product.</i>	Agreed.

The next CDG meeting is scheduled for 10th December 2018.

4 College Business Update

- 4.1 The update below provides an overview of the College's work. It is not an exhaustive list, but is intended to highlight the breadth and range of current activity across the College.
- 4.2 The College has been asked to provide information on the material that has been produced to inform practitioners involved in the response to the Manchester Arena terrorist attack. We are liaising with other respondents to ensure that all the police information that is necessary for the inquest is made available to the Coroner.

Crime and Criminal Justice Faculty

- 4.3 Development of the public protection and safeguarding leaders' learning programme continues with the first presentation of initial learning scheduled for early 2019. The College is seeking volunteer forces to take forward learning within the licence to practise model and activity continues on the development of a registration system / interim registration solution. There are also considerations taking place about a second area where a register already applies. The most promising area appears to be senior investigating officers (SIOs) and discussions are taking place with the College SIO registrar.
- 4.4 Phase 1 of the CJ Review on disclosure is near completion, with the training gap analysis meeting report published on POLKA and a second disclosure event held. Further events are planned to support force disclosure champions in their roles. College staff are attending an NCA disclosure course for disclosure specialists to see if it is suitable for use by the police service. The CJ review project will be moving into its next phase looking at victims and witnesses.
- 4.5 The Domestic Abuse Risk Assessment Project announced on 5th November has 5 forces that will test the revised first responder risk assessment process and is being tested as a replacement for DASH. Discussions are now taking place with the test forces so that supporting training products can be developed and the monitoring processes can be put in place. The pilots in the three BCUs indicated that officers preferred the new tool and that it was better at encouraging disclosure of coercive control. The project will support testing of the new tool and will seek more forces to join the test if it proves to be more effective as a risk assessment tool across the larger and more diverse populations.

Uniformed Policing Faculty

- 4.6 The College **Public Order and Public Safety (POPS)** team were asked by Police Scotland to look at the POPS training, accreditation and CPD in Scotland as part of a wider review of event policing. The POPS team are working with the review lead to document the results.
- 4.7 The College's plan to carry out qualitative research on the role of sergeants has received wide stakeholder support and fieldwork has been completed in the first of five sample forces. College researchers supporting the NPCC lead on **Use-of-force** have finished preliminary work on the national data from 30 forces which has been cleaned and shared with academics for analysis. The College is working with Bedfordshire to design and pilot a College-developed one-day de-escalation training package in support of the **safer resolution guidelines**.
- 4.8 The College has been working with the NPCC Lead for **Mental Health**, [REDACTED] (Dyfed-Powys), who has recently written to all Chief Constables to highlight the advice in relation to movement of people from police cells to health based places of safety. In January 2019 the College will facilitate a discussion on the benefits of street triage taking into account the various operational models across forces. Chief Inspector [REDACTED], will also be working to produce guidance for forces on the use of restraint in health settings.
- 4.9 Following a series of events held by [REDACTED], the College will be looking to share **Stop and Search** best practice from forces that have seen improvements in disproportionality rates and maintained effectiveness in the use of the power.

Professional Development, Integrity & Organisational Development Faculty

- 4.10 A **Leadership Review** Progress Summary report was presented to the Workforce Transformation Group in September. A gap analysis will be carried out to establish what further action needs to be taken against the original aims of the Leadership Review recommendations. The Leadership Review Programme Board meeting of 5 November 2018 reviewed which recommendations have been completed and should be closed, which should remain open and, for those, confirm at which governance board their progress should be managed and reported in future.

Education and Professional Development

- 4.11 A revised timeline for production of the interim and final Evaluation Reports for the College's **Day One**, initial police recruitment, has been approved and the Interim Evaluation Report evidence gathering workshop have been planned and briefing documentation produced. The dates for the production of the Interim and Final Day One Evaluation Reports have been revised to February 2019 and October 2019 respectively to allow data from more pilot forces to be included in the Reports.
- 4.12 The first Role Profile Review and Maintenance Panel was held on 4th October and 57 profiles were reviewed. The Higher Skills Assessment working group met on 20th September and a revised model has now been sent to the working group for further feedback. Forces had until late October to respond and a teleconference was held to consider the feedback on the new model and the considerations for an implementation pilot. PDR for Special Constables Pilot started in October and initially began with 6 forces and others may join the pilot at a later date.

Knowledge, Research & Practice

- 4.13 The College continues to work with NPCC colleagues on the **Vulnerability and Violent Crime Programme**. Over 100 interventions were submitted to our initial call for practice and 15 interventions were shortlisted for further consideration by our programme board in October. We are working with forces to progress selected interventions in preparation for future independent evaluation.
- 4.14 The College has recently published a **Policing Evaluation Toolkit**. The toolkit brings together evaluation design and implementation strategies that can be used by practitioners and researchers alike to ensure evaluations are designed in such a way that strong statements of causal impact can be made. The toolkit was developed with support from the Police Transformation Fund and has APCC and NPCC support.

Delivery Services

- 4.15 Work is continuing on the **Public Protection Leaders learning programme** and the **Senior Investigating Officer Development Programme (SIODP)** maintenance work is almost complete. **Police Trainer Roles Learning Development Programme (PTRLDP)** has been reviewed and redesigned and the pilot courses are underway.
- 4.16 In October, the College hosted the 2018 **Police Search Adviser (PoISA)** CPD Seminar and the 2018 Security Coordinator (SecCo) CPD conference. The half-year performance indicated that the College delivered learning to 2,787 delegates, delivered 289 courses and achieved 98.9% satisfaction ratings based on content, delivery and approach to diversity.

Author name: Faye Bosworth

Author job title: [REDACTED]

Author email: [REDACTED]

Author tel number: [REDACTED]

CHIEF CONSTABLES' COUNCIL

AGENDA

3-4 October 2018

3-4 October 2018 at 09:00

1. ATTENDANCE AND APOLOGIES

The names of those attending and apologising will be noted in the Minutes

2. MINUTES

To consider the Minutes of the previous meeting held on 11-12 July 2018

3. MATTERS ARISING

To review and update the Council Action Log

4. STANDING ITEMS

4.1 Chair's Update

- NPCC Delivery Plan Q2 Update
- International Policing update

4.2 College of Policing Update

4.3 Regional papers on: Standards of Behaviour – Internal relationships, Police Delivery Model Pilot Update – DBS Enhanced Disclosure Certificates, Force Management Statements Debrief, Adoption of Minimum Standards for 'in Service' Drones Training, Electronic Monitoring, Pre-Charge Bail Update, Reforms to Complaints and Discipline System Update, Royal Mail Protocol, NPCC Specialist Capabilities Programme Update, A Pilot Practice Direction for Forced Marriage and FGM Protection Orders, Information Exchange regarding Victims of Crime with No Leave to Remain, Volunteer Police Cadets Programme Update.

4.4 Taser – NPCC Position on Home Secretary Letter

Discussion

4.5 Election of the NPCC Chair

Submission from [REDACTED]

5. Super Complaints

Sir Tom Winsor, HMICFRS

6. Operational Contingency Planning for a 'No Deal' Brexit

Submission from [REDACTED]



7. Technology Update

- Law Enforcement Portfolio Technology Re-allocation Scrutiny Group-
- Emergency Services Communications Programme (ESMCP) -
- Peel Efficiency Recommendations - Exemplar plan –
- Landscape Mapping and Force Milestones -

8. Police Crime Prevention Initiatives

Submission from [REDACTED] and [REDACTED]

LUNCH

9. CT Update and Briefing

Submission from [REDACTED]

10. Frontline Review

Presentation from [REDACTED] and [REDACTED]

Coffee

11. Spending Review

Submission from [REDACTED] and [REDACTED]

12. NPCC Finance Coordination Committee Update

Submission from [REDACTED]

CLOSE

DINNER at the [REDACTED]

19:00

4 October 2018 at 09:00

13. **Review of Policing Operations to support visit of POTUS – July 2018**
Submission from [REDACTED]
14. **Air Support Operational Requirement**
Submission from [REDACTED]
15. **IICSA NPCC Core participant status**
[REDACTED]
16. **Undercover Policing Public Inquiry Update & Continued Resourcing for the NPCC UCPI Coordination Team**
Submission from [REDACTED]
17. **Resourcing of Operation Elter**
Submission from [REDACTED]
18. **Plan on a page**
Presentation from Mike Cunningham
19. **Workforce transformation**
Submission from Mike Cunningham
20. **Police Reform**
Submission from [REDACTED]
21. **Pay Reform**
Submission [REDACTED]
22. **ANY OTHER BUSINESS**
To consider any items of business not included in the substantive agenda

DATE OF NEXT MEETING

The next meeting will be held on 16-17 January 2019

FUTURE MEETING DATES IN 2019

16-17 January 2019

17-18 April 2019

LUNCH