

INVESTIGATION POLICY

Executive Summary

The core mission of West Midlands Police is to prevent crime, protect the public and help those in need.

This policy aims to guide investigators in relation to three key themes;

- The need to apply a 'proportionality test' when pursuing any given investigation.
- How to approach the conclusion of an investigation, based on a 'disposal framework.'
- The minimum standards expected of supervisors and investigators.

At the heart of both the proportionality test and the disposal framework are a number of key themes that staff should consider, namely; the seriousness of the offence, the risk of offending by the suspect, and the needs of the victim/broader society.

These themes are at the heart of every investigation, as is the overwhelming principle that staff should treat every investigation as an opportunity to intervene and prevent future offending.

'A whole-system approach to prevention with external partners – working in collaboration, together we will design and deliver effective preventative and problem-solving practices to reduce crime and protect the most vulnerable.' CC Thompson, 2020 *This Work Matters*

This policy reflects the ambition outlined above, that WMP will seek every opportunity to work collaboratively with partners to prevent offending.

Offences that fall under the remit of the Public Protection Unit (PPU) (i.e. domestic abuse, child abuse, RASSO) will continue to be allocated to specialist investigators. They will use existing policy and procedures to guide these investigations.

Authorised Professional Practice (APP)

This policy has been checked against APP. West Midlands Police has adopted the APP provisions, with supplementary information contained herein, which reflects local practice and the needs of the communities served by West Midlands Police.

Those provisions are shown in the links below and can be accessed via the home page of the APP website.

[APP CONTENT](#)

POLICY STATEMENTS

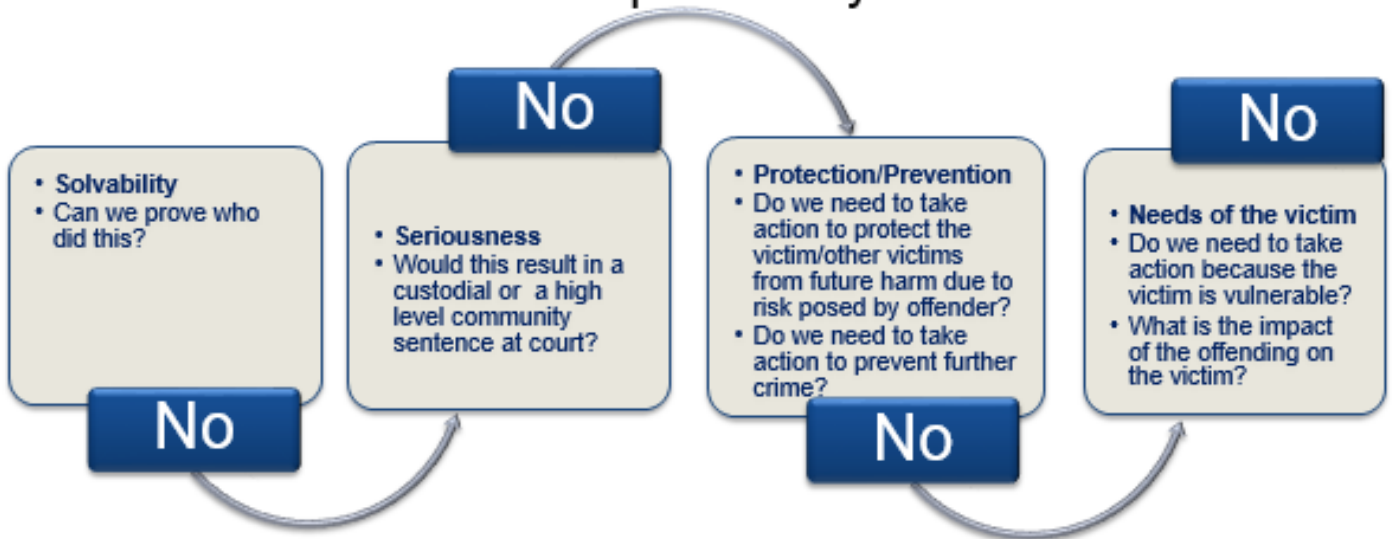
- Every resource and moment of time spent on an investigation is an investment that cannot be spent elsewhere.
- The level of resources and the time allocated to an investigation is precious and needs to be carefully set and regularly reviewed.
- The job of an investigator is not complete when investigative lines of enquiry have been exhausted.
- Investigators must also focus on opportunities for intervention and prevention where possible to reduce the risk of future offending or to help a vulnerable victim.
- Under Section 37A of the Police and Criminal Evidence Act 1984, the police have an obligation to 'have regard' to [guidance issued by the Director of Public Prosecutions \(DPP\)](#).
- There are four key elements that must be considered when deciding how much resource to invest in an investigation:
 - The **SOLVABILITY** of the offence
 - The **SERIOUSNESS** of the offence
 - **PROTECTING** the victim and wider public from future harm
 - (encompassing **offender risk** – the risk posed by the offender)
 - The **NEEDS OF THE VICTIM**

SOLVABILITY	SERIOUSNESS	PROTECTING/RISK	VICTIM NEEDS
<p>The more solvability factors (evidence) the higher the likelihood of solving the crime.</p> <p>The more serious the offence the more likely it will be investigated regardless of solvability.</p>	<p>There is no universal definition of seriousness.</p> <p>In the DPP guidance, seriousness is understood in terms of the severity of sentences imposed.</p> <p>For the sake of clarity, seriousness will be understood as the likely sentence imposed if a court were to convict a suspect of the offence. See "PROCEDURAL GUIDANCE – Custodial Sentence or High Level Community Order" for more detail</p>	<p>Likelihood of a given suspect committing offences in the future</p> <p>and</p> <p>the harm those offences might cause (whether against the same victim or other future victims)</p> <p>and</p> <p>our duty to protect.</p> <p>Risk Necessary to consider individual's offending past and any opportunities there might be to change their offending behaviour (including any previous interventions that may have been attempted and the results).</p>	<p>Includes not only considerations of victim's wishes, but also any vulnerabilities and the needs of other potential victims/broader society.</p> <p>Not all victims want a prosecution.</p> <p>In making decisions consider: What the victim would like to see happen, with an understanding of all the options available.</p> <p>In their professional view: What best protects the victim (even if that may not be what the victim says they want).</p> <p>What will prevent further offences, against that victim or other victims</p>

PROPORTIONATE INVESTIATIONS AND THE PROPORTIONALITY TEST

- The decision to investigate an offence, or the decision about how an offender is dealt with, must be governed by a consistent framework that is fair and transparent.
- That framework must demonstrate a commitment to deal with the most serious offences robustly; without being deemed excessively punitive for less serious matters.
- It must be applied consistently but decision makers should consider the facts of the particular case and be prepared to make exceptions where appropriate.
- Decision makers must also ensure reference to relevant human rights and equality legislation. This framework can be referred to when asked to explain a decision.
- The proportionality test must be applied from the point a crime is first reported and with an understanding of the risk associated with the offence through the application of proportionate intelligence checks on the subjects involved i.e. victims, suspects, offence location etc.
- The test will maximise the opportunity to focus resources to best contribute to the aims of preventing crime, protecting the public and helping those in need.
- Although the principles of the test are clear, it will always require professional judgement by staff.

The Proportionality Test



If the answer to any of the questions above is 'YES' we should carry out further action/investigation.

Once an investigation has been started, this test should continue to be applied throughout the life of the investigation.

- The proportionality test is an on-going assessment and must be applied throughout the lifespan of the investigation.
- Even if an investigation is deemed necessary at the point it is first reported the circumstances may change via initial investigation.
- Regardless of decisions to investigate or not, it is incumbent on staff to take necessary and proportionate steps to prevent crime, protect the public and help those in need.
- See “PROCEDURAL GUIDANCE – Examples” for more details on how the proportionality test should be applied in practice.

ENHANCED SERVICE GUIDELINES

- For offences of hate crime and assaults against emergency workers, other policies or guidance apply.

MENTAL HEALTH

- Refer to the [WMP Mental Health Policy](#) for information and guidance for staff working with victims and offenders with mental health concerns.

HATE CRIME

- Refer to [WMP Hate Crime Policy](#)

ASSAULTS ON POLICE OFFICERS AND STAFF

- Assault on police officers and staff should be categorised into 3 tiers as below:

Tier 1

Type of assault	Level of injury – minor
Push Grab Minor scuffle during arrest Hit or kick with no marks	No injuries No pain No medical attention required No mental trauma

- Victims to provide their own statement

Tier 2

Type of assault	Level of injury – moderate
Strikes to the head Strikes to the face Bites Spitting	Cuts Minor puncture wound Medical attention required Minimal time off work Emotional or psychological distress

Deliberate attack – not during arrest or restraint Racial, homophobic, biphobic, transphobic, disablist, or gender-based verbal abuse	
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- Where officers are the victim or witness of a tier 2 offence and an offender has been **arrested** then the victim/witness must complete their own statement.
- This ensures:
 - Best evidence is obtained in a timely fashion to negate any PACE custody time limit issues
 - To prevent officers being disturbed in rest periods
 - To provide rationale for any use of force used
 - To include a victim impact statement.
- If an offender has **not been arrested** then the OIC will arrange to obtain a statement at the earliest opportunity.
- This would include offences committed against police officers and police staff where the offences have either occurred face to face or remotely.
- A victim can provide their own statement if this would provide the best evidence.

Tier 3

Type of assault	Level of injury – major
Stabbing Major bone break Attack with weapon Multiple offenders Prolonged or repeated attack	Loss of consciousness Hospitalisation Significant time off work

- Tier 3 offences will be obtained by an investigator in line with guidelines set by the OIC, considering Achieving Best Evidence.

ASSAULTS ON OTHER EMERGENCY WORKERS

- Refer to [NPCC Joint Agreement on Offences Against Emergency Workers 2020](#)

CITIZEN CHARTER AND THE VICTIMS CODE

- In line with the [Citizen Charter](#) the OIC will:
 - Contact the victim within seven days of a crime being recorded and give the victim details of the investigating officer who will be their point of contact during the investigation
 - Agree with the victim how and when they will be updated throughout the investigation
 - Explain the outcome of the investigation to the Victim
 - If we are not investigating we will explain the reason why
 - Refer the Victim to relevant agencies who can provide further support
 - Comply with the Victims Code.

ASSESSING OFFENDER NEEDS

- When assessing the likelihood of future offending, there are a range of factors to consider.
- The role of the investigator is not simply to gather evidence about an offence; rather, it is also to seek to identify why an offender is committing crime.
- This information allows an investigator to use the resolution of that crime as an opportunity to intervene and prevent further offending in the future.
- An assessment based on the factors below will help to identify the support required.

7 Pathways to Reoffending	Dynamic Risk Factors Associated with Reoffending
Accommodation	Suitable accommodation
Children and Families of Offenders	Social networks Lack of/poor family and intimate relationships
Drugs and Alcohol	Drug misuse Alcohol misuse
Education, Training and Employment	Lack of employment
Finance, Benefit and Debt	Lack of employment
Attitudes, Thinking and Behaviour	Attitudes that support crime
Mental and Physical Health	Impulsivity or low self-control

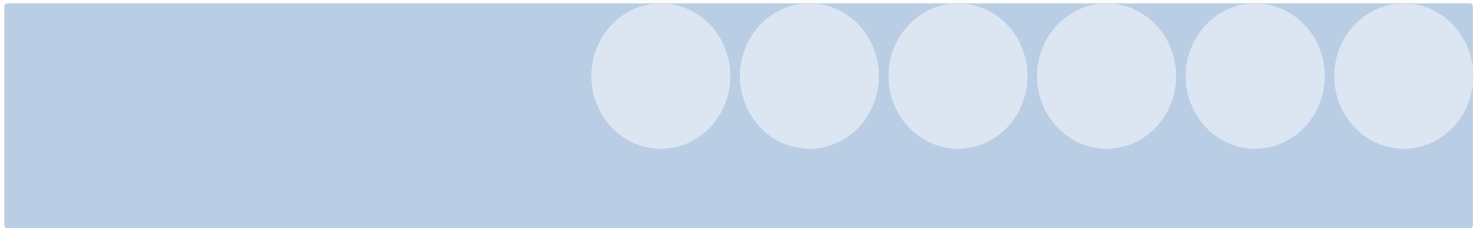
- Even when the support needed cannot be mandated, staff must not miss the opportunity to make a referral.
- Support might be something the offender absolutely wants, but does not know how to access.
- It is important to identify the type of help required as well as the level of intensity of support that is needed to maximise the effectiveness of the intervention.
- Advice and guidance around identifying suitable support and relevant referral pathways for offenders can be sought from:
 - Investigation Supervisors
 - Offender Management

- Local Partnership Teams
 - Mental Health Liaison
 - Diversion Nurses (based in the cell blocks)
- Conditional caution or community resolution may be offered with the condition(s) being attendance at drug treatment, anger management or a debt advice agency.
 - If the condition(s) is/are not met the investigating officer can proceed to charge the offender and send them to court where it would be in the public interest to do so.

CONCLUDING AN INVESTIGATION AND DISPOSAL FRAMEWORK

- WMP [outcomes guidance](#) can be found in the attached procedural guidance. Officers must be mindful of this guidance and use the correct authority levels for each outcome.
- Investigators must demonstrate that they are trying to protect the victim and broader public from future offending, and that the chosen outcome is the most likely to achieve that aim.
- Key considerations that must inform the *resolution* of any crime:
 - Seriousness – what would the likely sentence at court be?
 - Risk of offending – what is the likelihood of further harm against the victim or wider public?
 - Needs of the victim – is there anything we can do to mitigate the harm suffered by the victim?
- Due to the nature of the questions an investigator must ask when considering the above, there is no simple test that can be applied that results in an unequivocal solution.
- The below disposal framework will be considered by investigators to achieve the best outcomes:

Prosecution	Mandatory Referral	Voluntary Referral
<ul style="list-style-type: none"> • A prosecution encompasses any charge from police custody, postal charge or summons. • Wherever possible, officers must consider whether future harm might be prevented through attaching civil injunctions such as Criminal Behaviour Orders with positive requirements (for example, referral to drugs support). • These must be progressed where appropriate. 	<ul style="list-style-type: none"> • Deferred prosecutions where the subject is offered a community resolution or a conditional caution on the provision of compliance with referrals. • Those referrals should seek to tackle the root cause of offending following a needs assessment. • Failure to comply with a referral may entail a recourse to prosecution. 	<ul style="list-style-type: none"> • Where it is concluded that no further police action will be taken, it is still expected that any needs identified during the course of the investigation will be subject of referrals to partners. • However, these referrals cannot be mandated due to the lack of recourse to prosecution if the offender does not engage.



Appropriate when.....		
<p>The offence would attract a 'significant sentence' OR; the offence is not serious but the risk posed by the offender will not be mitigated by any other option.</p> <p>(i.e. a repeat offender or their offending has propensity to cause significant harm).</p> <p>This assessment might override the wishes of a victim.</p>	<p>The offence is one which would <i>not</i> result in a significant sentence; and it is considered that a diversion or referral would be likely to change future offending behaviour.</p> <p>The disposal should include an element to take into account the wishes of a victim wherever possible (e.g. some form of reparation).</p>	<p>Where the result of the investigation reveals that there is insufficient evidence to support a mandatory referral or prosecution, but needs (for victim or offender) have been identified, then referrals should be made.</p>
Applicable Outcome Codes		
1	2, 3, 4, 20, 21	6, 9, 10, 11, 12, 13, 15, 16, 17, 20, 21

- The [DPP guidance](#) on the use of conditional cautions is that Police should not seek to divert offenders where the likely outcome is a prison sentence or high level community order.
- In cases involving young offenders, there is an emphasis on avoiding taking action that will unnecessarily criminalise a young person at an early stage.
- Evidence shows clearly that introducing children to the criminal justice system is not only harmful to them as an individual but also dramatically increases the risk of future offending.

SUPERVISORY EXPECTATIONS

- A supervisor should review every investigation prior to allocation to an OIC to ensure the crime is accurately recorded in line with Home Office (2020) Counting Rules for Recorded Crime (see Crime Data Integrity section) and prepare an investigation plan.
- The purpose of the Investigation Plan is to develop a clear plan for how the investigation can be brought to a successful conclusion.
- The investigation plan should be based on a rigorous evaluation of the material that has been gathered to date and should include the following factors:
 - Specific objectives of the investigation – these depend on the unique circumstances of the crime and the material that has been gathered
 - Investigative strategies that are used to achieve those objectives
 - Resource requirements of the investigation which in many cases is limited to the investigator, crime scene examination, and forensic analysis of the material recovered from the scene or suspect.

- The purpose of an investigative strategy is to:
 - Identify the most appropriate line(s) of enquiry to pursue
 - Determine the objective of pursuing particular lines of enquiry
 - Identify the investigative action(s) necessary to efficiently achieve the objectives, taking into account resources, priorities, necessity, and proportionality
 - Direct and conduct investigative actions to gather the maximum amount of material which may generate further lines of enquiry
 - Understand and manage vulnerability, risk and any community impact.
- A supervisor is responsible for ensuring the actions have been carried out and relevant policies followed during the investigation. Reviews should be case specific and be able to demonstrate an understanding of the needs of the investigation.
- All open investigations must be reviewed by a supervisor every 28 days as a minimum, however some investigations will need to be reviewed more frequently and with more scrutiny than others.
- The review will include the following:
 - Evidence an understanding of the investigation to date
 - Ensure the OIC is undertaking an effective investigation
 - Outstanding actions from the initial investigation plan
 - Review of risk assessments, vulnerabilities and safeguarding plans to ensure action is being taken to reduce the risk and protect the victim.
 - Consider if the crime is solvable, if not can it be finalised?
 - Identify any new or additional lines of enquiry
 - Provide direction to the OIC
 - Review Citizen Charter compliance.
- A supervisor will:
 - Review every crime report prior to filing
 - Document their rationale
 - Give authorisation for filing
 - Take into account the victims wishes
 - Ensure compliance with the Citizen Charter.

FILING AUTHORISATION LEVELS

- The table below outlines where filing authorisation should be at a higher level than investigation supervisors (Sergeant or Police Staff Equivalent):

Crime Type	Authorisation Level
Attempted Murder	Chief Inspector or Police Staff Equivalent
Firearms Offences	Inspector or Police Staff Equivalent
S18 Wounding	Inspector or Police Staff Equivalent
Hate Crime	Inspector or Police Staff Equivalent
Missing Person investigations	Inspector or Police Staff Equivalent

CRIME DATA INTEGRITY (CDI)

- Every allocated crime report and log is to be reviewed by the supervisor and allocated investigator to check for CDI compliance.
- They will check each offence for the following:
 - That the correct crime has been recorded
 - That there are no other victims for whom additional crimes should have been recorded
 - That there are no additional crimes that should have been recorded
- This is to be reviewed throughout the investigation progresses.
- If inaccuracies are identified these are to be **immediately** rectified by the person reviewing the report, and feedback to be given where appropriate to the originating officer or team.

GOVERNANCE

- A centrally coordinated audit against the investigation policy will take place alongside monthly peer reviews. Quality Assurance via the SLT will take place at the regular Service Improvement Meetings.

TRAINING REQUIREMENTS

- Incorporation of policy into the new Student Officer Training Program as well as training for new Police Staff Investigators joining Force CID.
- All current staff will be made aware of the policy as well as staff transferring into FCID.

Definitions/Acronyms:

DPP – Director of Public Prosecutions
NPCC – National Police Chief’s Council
WMP – West Midlands Police
OIC – Officer in Charge
SLT – Senior Leadership Team

Procedural Guidance Documents List:

- Investigation Examples – Applying Proportionality & Disposal
- High Level Community Order or Custodial Sentence
- WMP Outcome Guidance
- Enhanced Service Process

Useful Links:

- [West Midlands Police Outcomes Guidance](#)
- [DPP Guidance on use of Adult Conditional Cautions](#)
- [Sentencing Guidelines](#)
- [Victims’ Code](#)

Publication Instructions:

*(*delete as appropriate)*

- Suitable for publication to public

Policy Ref: CRIME/08

Version: 1.0


Date: 23/02/2021

Review Date: 23/02/2022

Policy Author: Rebecca Farr

Any enquiries in relation to this policy should be made directly with the policy contact shown above.

Force Executive Approval:



CHIEF CONSTABLE

Monitoring and Review

Version	Date Reviewed	No change / Minor Changes / Major Changes (<i>detail</i>)	Amended / Agreed by	New review date