



By the end of the lesson learners will be able to:

1. Explain two pieces of legislation in place that can impact investigations and evidence
2. State the role of several specialist that can help during an investigation
3. State the differences between directed and intrusive surveillance
4. Explain what types of evidence can be obtained during an investigation and how this would impact of individuals

Evidence in Investigations

Best evidence is direct evidence i.e known personally to the witness because they have:



Personal experience through their senses. E.g. something personally saw, heard or touched.

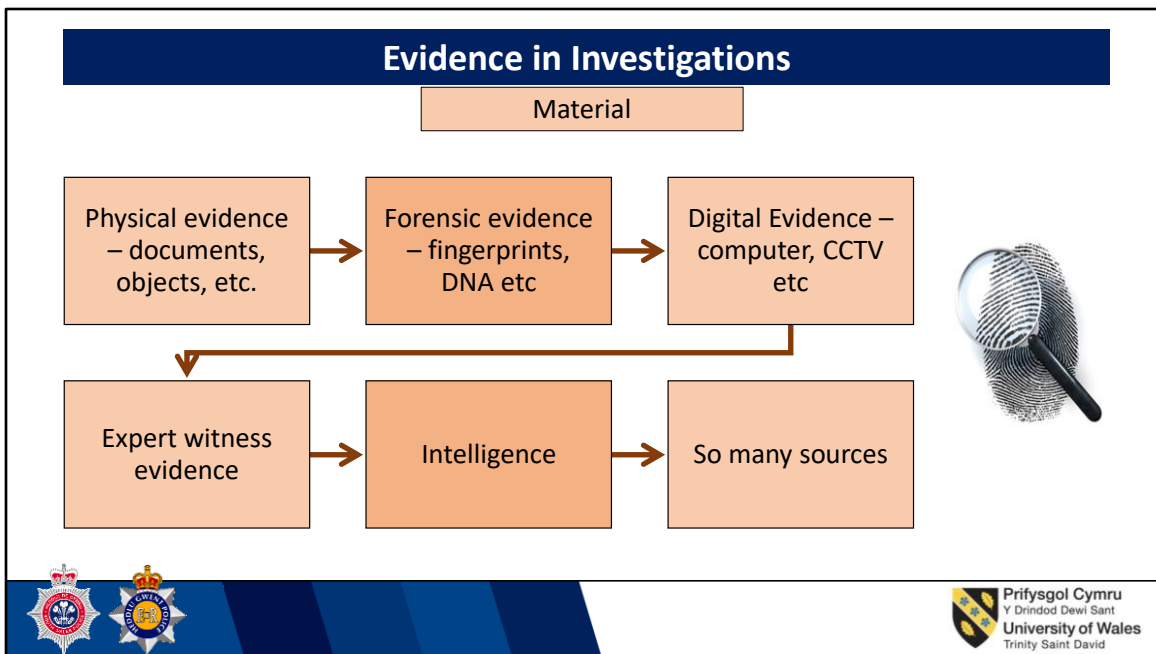
But.....



If this is not available or limited then the search needs to be widened

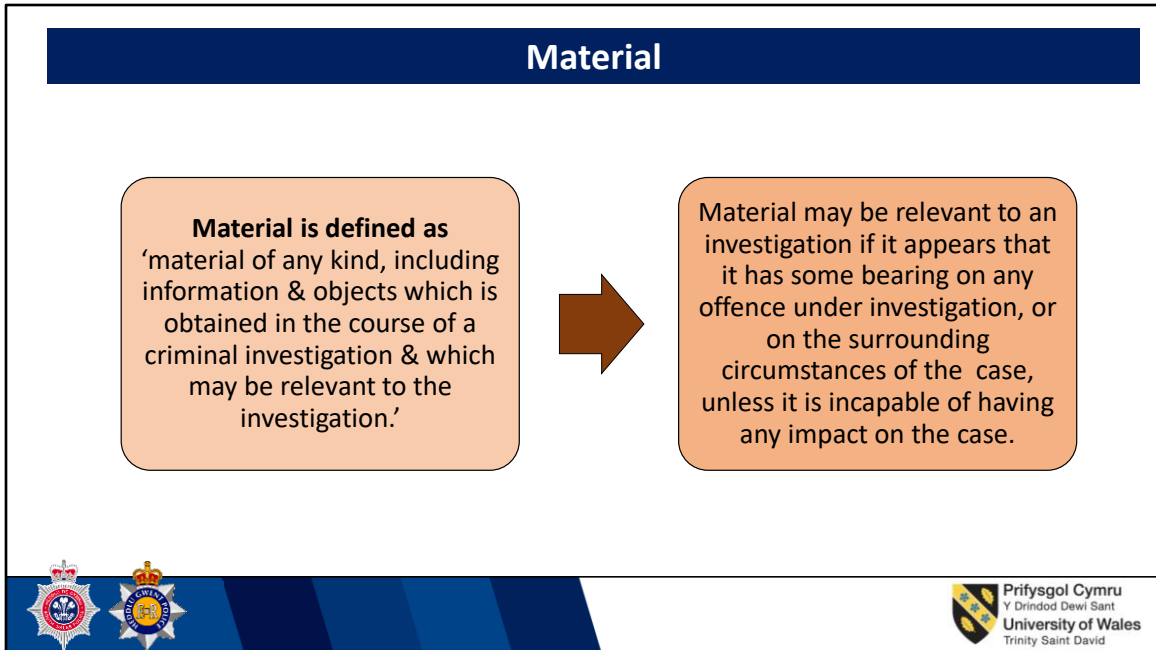


QTS – what types of evidence can you think of?



QTS – What kind of documents are included in these types of evidence? Trainer to record evidence on whiteboard

All provide assistance within an investigation



QTS – what impact does ‘material have on an investigation?

QTS – what are the consequences of not keeping material?

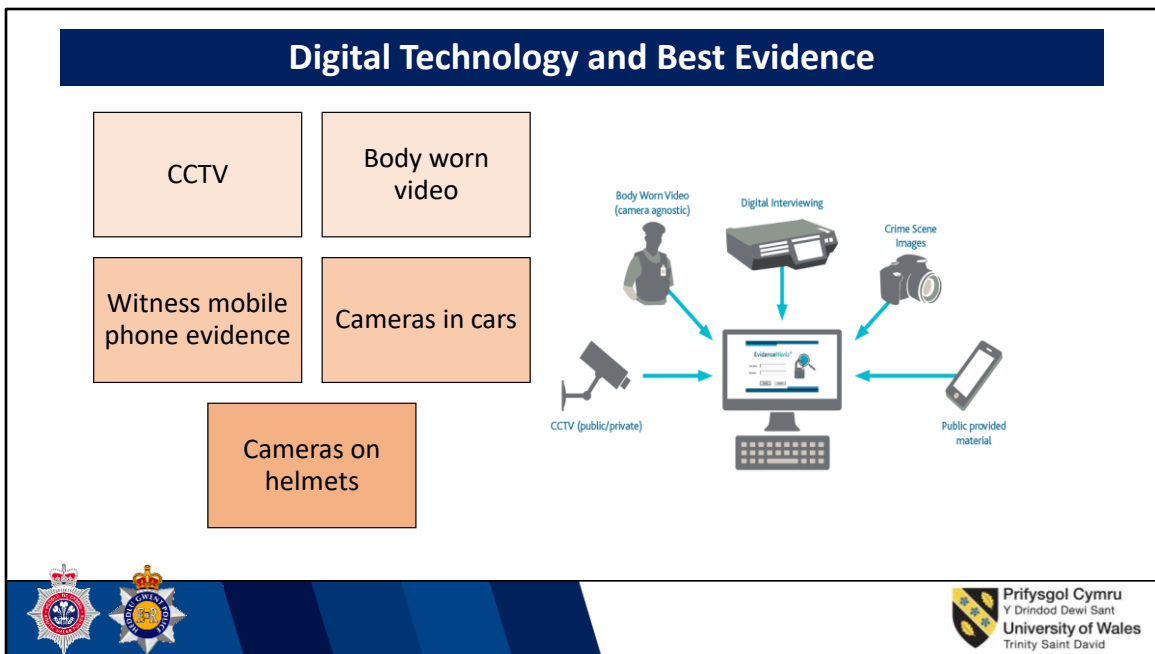
The Code of Practice issued under s 23(1) of the Criminal Procedure and Investigations Act 1996 (CPIA) defines material as:

Material of any kind, including information and objects, which is obtained in the course of a criminal investigation and which may be relevant to the investigation;
Material may be relevant to an investigation if it appears to an investigator, or to the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation, or on the surrounding circumstances of the case, unless it is incapable of having any impact on the case.

Common formats of material include:

- statements
- documents
- reports
- physical exhibits
- fingerprints
- images

- audio or video recordings



QTS – what are the benefits of obtaining digital technology as a form of evidence?

There are multiple sources of digital technology that capture incidents and events.

However, why is this the best evidence?

Answer- because it captures events and incidents as they happen in massive detail.

Consider the benefit of obtaining such evidence when conducting an investigation

There is a separate session on body worn video.

Also, there is a separate session which covers Digital Policing

Clarification of the circumstances
Providing movements of victims and suspects, establishing crime scenes and attack sites, and challenging assumptions.
Elimination of suspects
Through partial DNA or partial palm prints.
Forensic intelligence
Providing potential links at scenes, DNA profiles from body fluids.
Inceptive intelligence
The identification of an unknown person or fact, for example, identification through fingerprints or via DNA deposits.
Context
Once evidence has been obtained, establishing where it fits in the context of the whole investigation or examination.
Clarification of the sequence of events
Through, for example, analysis of blood distribution or the use of fire investigation units.
Corroboration
Including independent confirmation of circumstances, critical fact or witness testimony and evidence of the culpability of a suspect.



Collecting all **relevant material** will assist with the following areas;

Discuss each area with the students

Provide the students with a handout.

Specialist Support

- | | |
|-------------------------------------|-----------------------------|
| ▪ Collision Investigation Unit | ▪ Medical experts |
| ▪ Crime Scene Investigators | ▪ Surveillance Unit |
| ▪ Criminal Investigation Department | ▪ Open source experts |
| ▪ Digital Media Investigators | ▪ Operational Support Units |
| ▪ Financial Crime | - Dogs, Horses, Firearms, |
| ▪ Hi-tech Crime | Search, DVI, NPAS, Drones, |
| | CBRN, Wildlife Crime |



Specialist support that may be required to obtain further evidence

Question to the students- 'What specialist support is available to assist you to gather evidence when conducting an investigation?'

Discuss the options available to assist. Elaborate on the Pictures (roles shown below)

CSI – Crime Scene Investigator

Role - To process crime scenes using specialist, approved techniques to visualise, capture and recover digital and trace evidence, and gather information and intelligence as part of an investigation.

Key Accountabilities –

- Develop and implement short term plans and objectives within each investigation to assist in achieving

the wider investigative objectives.

- Engage with and implement departmental procedures in line with the requirements Forensic Science Regulator Codes of Conduct and Practice and the International Standards Organisation (ISO) 17020/17025 standards to provide a quality service through accreditation.
- Support investigations by preserving, capturing, and assessing evidence at crime scenes using digital capture, forensic (including digital) and fingerprint techniques.
- Handle exhibits from investigations in line with agreed protocols to maintain the integrity, continuity and security of the evidence for the purpose of investigative processes and court proceedings.
- Assist with the advancement of the investigation by observing, assessing and recording all aspects of the crime scene and the immediate environment, and ensuring all findings are available for the wider investigation.
- Identify situations when specialist support is appropriate to advance an investigation.
- Support the Criminal Justice process by providing accurate and timely Streamlined Forensic Reports (SFR), statements and other documentation and the preparation of relevant disclosure material.
- Design and deliver training for key stakeholders and the wider policing community to improve knowledge

scene investigation in Force, regionally and nationally to aid collaboration and continuous improvement in policing.

- Comply with all applicable specialist health and safety legislation and regulations to ensure safe working practices in relation to crime scene investigative.
- Engage with agency partners and specialist representatives in line with agreed protocols and procedures to support and progress investigations.

Digital Media Investigator

Role - The Digital Media Investigator supports major crime, incidents, operations or any investigation that requires specialist digital investigative assistance. They provide assistance and advice in support of live incidents, investigations, gathering intelligence and conducting proactive/reactive investigations where digital technology and data acquisition opportunities exist.

Key Accountabilities –

- Support the development of a digital strategy in conjunction with Senior Investigation Officers to reach objectives for how digital media can support investigations.
- Seek specialist support from roles such as Analysts, Communications Data Investigators (SPoC), Digital Forensics, Covert Authority Bureau, Vehicle

Examiners and National Crime Agency to apply appropriate expertise to the advancement of an investigation.

- Undertake open and closed source investigations in relation to specific subjects, to support incidents, operations and investigations.
- Undertake proactive research in to the latest hardware and software products available including applications, assessing how they may support police investigations and making recommendations to improve processes.
- Support investigations through preparation of relevant disclosure material, in liaison with Crown prosecutors when necessary.
- Share best practice both in Force, regionally and nationally to aid collaboration and continuous improvement in policing.

Financial Investigator

Role - To provide input, advice and support to those managing live incidents and investigations involving a financial element, gathering intelligence. To conduct proactive/reactive specialist financial investigations.

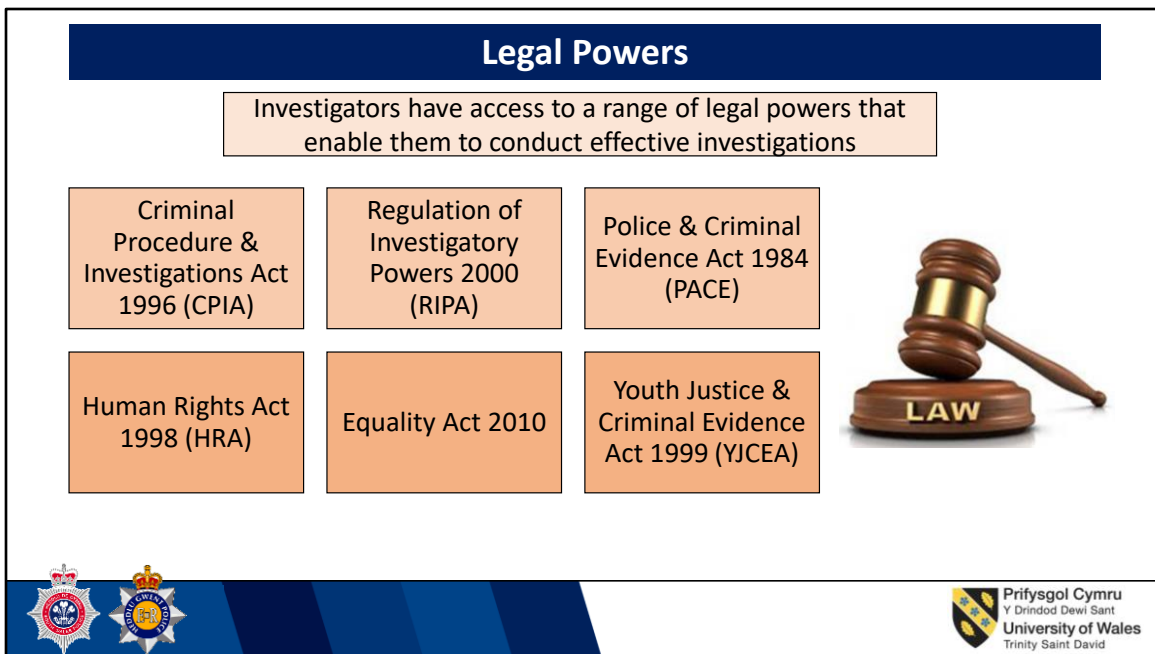
Key Accountabilities –

- Support the development of financial investigation

plans and agree expectations for how financial intelligence can support investigations in conjunction with Senior Investigation Officers to achieve clarity on joint objectives.

- Undertake the gathering, recording and sanitising of financial intelligence in accordance with the applicable intelligence models and the Criminal Procedure and Investigations Act 1996 to support ongoing investigations.
- Interrogate specialist databases, networks and other on-line tools such as; Investigate Suspicious Activity Reports (SARs) reports, in accordance with protocols, to support ongoing investigations.
- Produce criminal files and court files, using applicable case file management standards, guidance and legislation, to support a prosecution.
- Interview witnesses and suspects to obtain financial intelligence to assist with identifying financial crime and the proceeds of crime.
- Use Proceeds of Crime Act 2002 and associated legislation, specialist gateways and external agencies to develop intelligence packages for use in financial and other investigations.
- Use investigative tools and undertake the search, seizure and detention of cash, preparing applications for warrants and orders using the relevant legislation

- Prepare relevant material on money laundering and financial dealings for disclosure, in liaison with Crown prosecutors when necessary to support investigations.
- Share best practice on financial investigation and building cases in Force, regionally and nationally to aid collaboration and promoting use of financial investigation practices in mainstream policing investigations where appropriate and continuous improvement in policing more widely.



Legal powers

As an investigator an officer will have access to a range of legal powers to enable them to conduct effective investigations. These powers can allow the officer to deprive individuals of their liberty, use reasonable physical force, enter their homes or other private premises, gain access to private information and to deploy intrusive surveillance techniques.

An officer will use their discretion to choose how to use these powers and they have a responsibility to use them ethically and in accordance with professional standards, ensuring that they are non discriminatory and proportionate.

- **Criminal Procedure and Investigations Act 1996 (CPIA)** A piece of statutory legislation in the United Kingdom that regulates the procedures of investigating and prosecution of criminal offences
- **Regulation of Investigatory Powers 2000 (RIPA)** An Act of the Parliament of the United Kingdom, regulating the powers of public bodies to carry out surveillance and investigation, and covering the interception of communications
- **Police and Criminal Evidence Act 1984 (PACE)** An Act of Parliament which instituted a legislative framework for the powers of police officers in England and Wales to combat crime, and provided codes of practice for the exercise of those

powers.

- **Human Rights Act 1998 (HRA)**

Article 3 Freedom from torture/inhumane treatment

Article 5 Right to liberty and security

Article 6 Right to a fair trial

Article 7 No punishment without law

Article 8 The right to respect for a private life

- **Equality Act 2010** An Act that brings together over 116 separate pieces of legislation into one single Act. ... The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- **Youth Justice and Criminal Evidence Act 1999 (YJCEA)**. The YJCEA was introduced with a view to facilitating the ability of vulnerable and/or intimidated witnesses to give evidence efficiently and safely in criminal court proceedings.

Under certain conditions, these powers allow investigators to deprive individuals of their liberty, use reasonable physical force, enter their homes or other private premises, gain access to private information and to deploy intrusive surveillance techniques.

Investigators have a high level of discretion in how they choose to use these powers.

Legal Powers

Regulation of Investigatory Powers 2000 (RIPA)

The Act allows for the lawful interference with the right to respect for private & family life under Article 8 of the European Convention on Human Rights, in justified circumstances where law enforcement agencies can show that such interference is necessary, proportionate & in accordance with a legitimate aim



Groupwork – Activity 1 – Trainer to split class into 2 groups to research RIPA and HRA

RIPA

Prior to this Act, covert police investigations were governed on a non-statutory basis by Home Office guidance. Following a series of judgments by the European Court of Human Rights (ECtHR), it was made clear that a non-statutory authorisation regime in respect of these techniques was insufficient. To ensure compliance with the ECtHR's decision, RIPA was introduced to provide a statutory framework for the use of covert techniques.

The Act allows for the lawful interference with the right to respect for private and family life, under Article 8 of the European Convention on Human Rights, in justified circumstances where law enforcement agencies can show that such interference is necessary, proportionate and in accordance with a legitimate aim.

Circumstances which would permit the use of covert techniques under RIPA include where it is necessary:

- in the interests of national security
- for the purpose of preventing or detecting crime or of preventing disorder

- in the interests of the economic wellbeing of the UK
- in the interests of public safety
- for the purpose of protecting public health
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department or
- for any purpose not falling within the above, but which is specified by an order made by the secretary of state.

Human Rights Act 1998

ECHR Article 8

The Right to Respect for Private & Family Life

8

RIGHT TO FAMILY
AND PRIVATE LIFE



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Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except to such as is in accordance with the law and is necessary.....

- in the interests of national security, public safety or the economic well being of the country,
- for the prevention of disorder or crime,
- for the protection of health or morals,
- for the protection of the rights and freedoms of others.

Surveillance

The monitoring, observing, listening to persons, their movements, their conversations, or other activities or communications.
Recording anything monitored, observed or listened to in the course of surveillance.

Surveillance by or with the assistance of a surveillance device



QTS - what does surveillance mean to you? Trainer to record answers on whiteboard

Regulation of Investigatory Powers Act 2000

What does
'covert' mean?

Carried out in a manner
that is calculated to
ensure that the persons
who are subject of the
surveillance are unaware
that it is or may be taking
place



QTS – what does covert mean to you?

QTS – Can you think of any examples when covert investigations might be used?

What is Directed Surveillance?

Within RIPA, covert surveillance is classed as Directed Surveillance if it is undertaken :

a) For the purpose of a specific investigation or a specific operation	b) In such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purpose of the operation) &...	c) Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation for this part to be sought for the carrying out of the surveillance (S26)
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Groupwork – Activity 2. Trainer to split class into two groups to research what directed and intrusive surveillance is. Groups to feedback on flipchart paper

Authorisation for Directed Surveillance:

Requires authorisation of a superintendent although if urgent can be given by an Inspector.

What is Intrusive Surveillance?

Within S26(4), covert surveillance is classed as intrusive surveillance if it:

Is carried out in relation to anything taking place on a residential premises or in a private vehicle &....

Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device



Example: Tracker on a car or listening device within a house

Note: If you are watching a male through the window of his house, technically this is intrusive surveillance, as you can see him carrying out personal activities within his private dwelling

Authorisation for Intrusive Surveillance

Requires authorisation of a senior authorising officer (chief constable) after approval has been sought from the Office of Surveillance Commissioners

REMEMBER



It is important that the procedures surrounding RIPA are followed correctly to ensure evidence from any surveillance operation can be used at court

If in doubt – seek advice - ask



Automatic Number Plate Recognition: ANPR

Used to help detect, deter & disrupt criminality at a local, force, regional & national level



ANPR provides lines of enquiry & evidence in the investigation of crime



QTS – Does anyone know what an ANPR system is?

QTS - what benefits do you think the system may have on the investigations that they may be conducting?

Basic knowledge requirements

Those involved in investigations should understand how ANPR data can assist them.

Automatic Number Plate Recognition (ANPR) technology is used to help detect, deter and disrupt criminality at a local, force, regional and national level, including tackling travelling criminals, Organised Crime Groups and terrorists. ANPR provides lines of enquiry and evidence in the investigation of crime and is used by law enforcement agencies throughout England, Wales.

How it works

As a vehicle passes an ANPR camera, its registration number is read and instantly checked against database records of vehicles of interest. Police officers can intercept and stop a vehicle, check it for evidence and, where necessary, make arrests. A record for all vehicles passing by a camera is stored, including those for vehicles that are not known to be of interest at the time of the read that may in appropriate circumstances be accessed for investigative purposes. The use of ANPR in this way

has proved to be important in the detection of many offences, including locating stolen vehicles, tackling uninsured vehicle use and solving cases of terrorism, major and organised crime. It also allows officers' attention to be drawn to offending vehicles whilst allowing law abiding drivers to go about their business unhindered.

Camera locations

In addition to being mounted within police vehicles, ANPR cameras within police forces are used at fixed locations where they will help to detect, deter and disrupt criminality. In line with national policy, we do not disclose details of our fixed locations as this information is likely to be of benefit to offenders and if known could reduce the value of ANPR to policing.

Staff need to:

- have a basic knowledge of how ANPR works and its limitations
- know how the data can be accessed and analysed to assist in their particular investigation
- know the existing ANPR coverage that is relevant to their investigation (police, local authority, Highways England, commercial sources)
- know how to present the material as evidence
- know how to use ANPR to address intelligence gaps and assist in the reduction of crime.

The investigator will be assisted by the:

- skills and awareness of force analysts to exploit existing ANPR data using current analytical tools
- ability of the NADC to resource national searches for the most serious offences
- skills and awareness of force analysts to use the NADC to exploit ANPR data.

ANPR: How it Works

As a vehicle passes an ANPR camera, its registration number is read & instantly checked against database records of vehicles of interest.

Police officers can intercept & stop a vehicle, check it for evidence &, where necessary, make arrests



A record of all vehicles passing by a camera is stored, including those for vehicles that are not known to be of interest at the time of the read

This information may in appropriate circumstances be accessed for investigative purposes.



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Camera Locations

Police Vehicles
Fixed locations
Mobile cameras



Camera locations

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ANPR provides valuable information which can be used in an investigation. ANPR data can complement other sources of information, eg, crime and incident data, intelligence, CCTV and DNA data, can provide material which supports the overall direction of an investigation or specific lines of enquiry.

It can enhance the intelligence picture, identify where and when a vehicle has travelled and provide enforcement opportunities. It can also be used to assist in both reactive and proactive investigations, to support witness and suspect strategies and to identifying vehicles and, potentially, persons of interest.

Basic searches of ANPR data can be used to assist in any investigation where a vehicle is or may be involved

It can help to:

- locate lost or stolen vehicles

- identify the movements of a vehicle(s) used in the commission of a crime
- identify the vehicles of people in a particular location during particular time parameters to assist in identifying a suspect, victim, or potential witnesses,

ANPR can help to:

- research the movements of a vehicle which may belong to or be used by a suspect
- locate a vehicle in support of a surveillance operation
- initiate a trigger plan or an arrest plan (arrest/stop/notify)
- develop intelligence about the activities and lifestyle of a subject prior to an operation.

A marker against any vehicle on a database used in an ANPR operation must be supported by reliable intelligence.

Investigators should remember that ANPR provides data on a vehicle's movements, and not on an individual's movements. It is essential that a hit on a vehicle of interest be compared with the image of the number plate and any other evidence sources, if available.

ANPR in Investigations

ANPR data can complement other sources of information e.g. crime & incident data, intelligence, CCTV & DNA data, can provide material which supports the overall direction of an investigation or specific lines of enquiry

It can enhance the intelligence picture, identify where & when a vehicle has travelled & provide enforcement opportunities. It can also be used to assist in both reactive & proactive investigations, to support witness & suspect strategies & to identifying vehicles & potentially, persons of interest



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QTS – can you suggest ways in which ANPR can be used within investigations?

ANPR provides valuable information which can be used in an investigation

Reactive Investigations

Basic searches of ANPR data can be used to assist in any investigation where a vehicle is or may be involved. It can help to :-

Locate lost or stolen vehicles

Identify the movements of a vehicle (s) used in the commission of a crime

Identify the vehicles of people in a particular location during particular time parameters to assist in identifying a suspect, victim, or potential witnesses



A marker against any vehicle on a database used in an ANPR operation must be supported by reliable intelligence.

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Proactive Investigations

ANPR can help to:

Research the movements of a vehicle which may belong to or be used by suspect

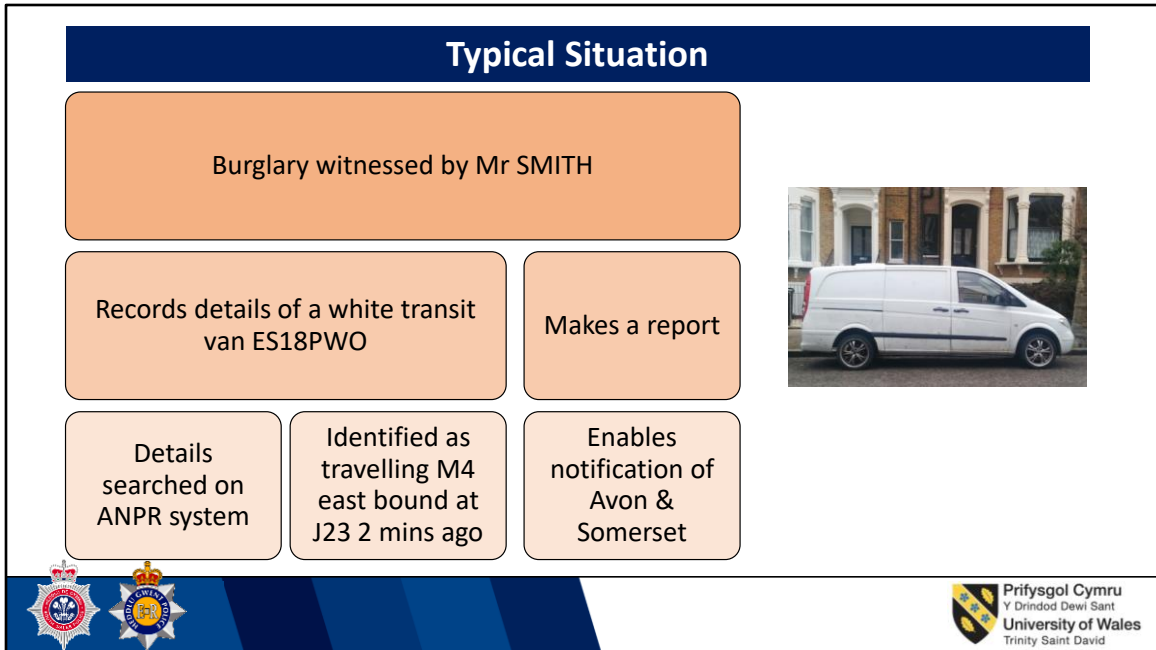
Locate a vehicle in support of a surveillance operation

Initiate a trigger plan or an arrest plan (arrest/ stop/ notify)

Develop intelligence about the activities & lifestyle of a subject prior to an operation



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Groupwork – Activity 3 - In groups, students to discuss what evidence and material officers could obtain in order to investigate this crime?

Caution



'Some people feel that there are too many cameras around the country & they feel that this impacts on the privacy of individuals.'



Whilst Some feel that there are too many cameras around the country and this impacts on the privacy of individuals

We have to use this tool responsibly.

Consider the collateral intrusion aspect

Examining Results

Carefully examine results to determine their meaning
Seek advice to help with interpretation
Plan how to use them within the investigation

Remember – Record, Retain, Review, Reveal



QTS - How does this material impact on the investigation?

How to review information and material gathered its

Whatever information that is generated as a result of your investigation you will need to evaluate and determine relevance.

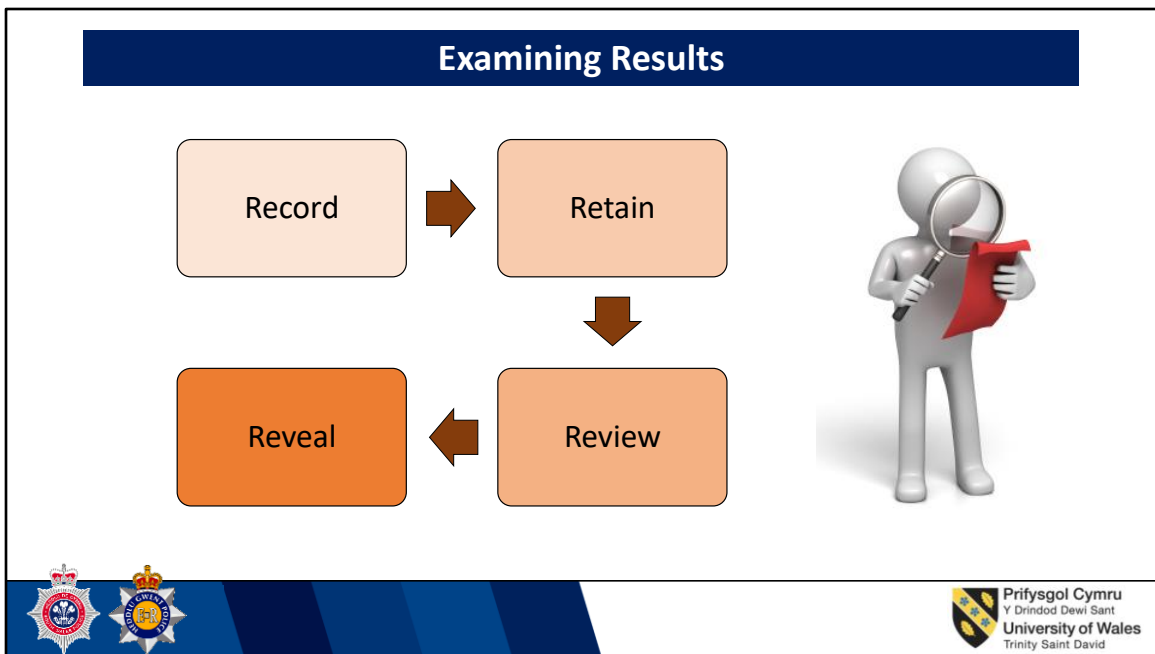
Determining relevance

To determine whether material or enquiries are relevant to the investigation, investigators need to ask 'does this have the capacity to impact on the case?' In the early stages of an investigation, it may be difficult to determine what is or is not relevant, what happened in the case or what the issues are likely to be. Officers should not confuse relevance with the test for disclosure.

Example of relevant material

The identity or identification of a suspect may no longer be an issue and so the material held regarding this line of enquiry may no longer be relevant. This could include CCTV footage which was held in the hope of identifying a suspect in the vicinity. In some circumstances the CCTV footage might still be relevant for other reasons,

therefore, investigators have to justify its retention to themselves and others. If investigators are in any doubt about the relevance of material, they should seek advice from line managers or the CPS, or review the NCALT e-learning package Fair Investigations for Fair Trials.



Disclosure will be covered later on in the course, but its important to introduce the principles to the students early on in investigation

As Police Officers, it is within our role to:

- **Conduct all reasonable enquiries**

- **Record all relevant material**

In the early stages of the investigation it may not be clear as to what – if any – offence has taken place or who may be involved. As such, an investigation will generate a large amount of material that ultimately will not form part of the evidence used in the prosecution case. Material could be anything collected during the course of the investigation, including material coming into the investigator's possession (seized items, statements etc), and also material generated by the investigator (interview notes) Any material not used to form the prosecution case is referred to as - 'Unused Material'.

- **Retain all relevant material**

CPIA says – All material which may be relevant to the investigation must be retained until a decision is taken whether to institute proceedings against a person for an

offence.

- **Review all relevant material**

Keep a log of material and enquiries made. So this is not just about statements, evidence or exhibits, it is about keeping a record of what you have done and why, what was the result. This also means keeping a tangible copy of everything you come across in your investigation. You need to keep a copy of material you look at as part of the investigation in case it becomes relevant later on. We do not ignore or destroy material just because it might undermine our case. That is not fair, honest or professional. We keep a record of it all, then we apply the relevancy test, then we apply the disclosure test.

- **Reveal all relevant material to the prosecutor** – The prosecutor will then make a decision whether the material needs to be disclosed to the defence.

As Police officers we must reveal what relevant material we have collected to CPS, and most importantly any material we have collected that undermines our case or assists the defence case.

IF IN DOUBT, REVEAL IT!!!!

European Investigations



<https://www.app.college.police.uk/app-content/investigations/international/>



This area should be studied independently by the students

