

Graduate Diploma in Professional Police Practice

LEVEL 6 - 40 Credits

To be completed by DHEP Detective students only

**Workbook title: Competency Based Workbook 1
(DHEP) 6,500 words**

(SOUTH WALES POLICE, GWENT POLICE AND UWTSD)

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FACULTY OF BUSINESS AND MANAGEMENT PUBLIC SERVICE PROGRAMME

Module title: Policing in the Workplace 3 (DHEP)

Workbook Guidance

Please read these notes carefully; they provide essential information.

What is the workbook for?

The purpose of this workbook is to enable learners to demonstrate and provide evidence of how they meet the learning outcomes set by the College of Policing, for the Graduate Diploma programme. Essentially, you are being asked to outline your experiential learning based upon your theoretical understanding in a range of operational situations.

Area of Professional Practice covered, (called elements in your module descriptor):

- Wellbeing and Resilience
- Communication Skills
- Managing Conflict
- Valuing Difference and Inclusion
- Criminal Justice
- Decision making, discretion
- Conducting Investigations
- Criminal Justice (Managing offenders)
- Problem Solving
- Evidence Based Policing
- Maintaining Professional Standards
- Public Protection.

You may wish to use the same incidents as you've outlined in the Occupational Competence Portfolio.

How should the workbook be presented?

Blank electronic copies can be found on Moodle of this workbook. You must submit this document electronically therefore it is important that you save your work regularly and upload the final typed version through Turnitin on Moodle.

Word count policy can be found in chapter 7 of the Academic Quality under section 7.7 (this applies to presenting work above and under the specified word count).

(https://www.uwtsd.ac.uk/media/uwtsd-website/content-assets/documents/academic-office/aqh-chapters/chapters---en/Chapter_07_Assessment-Taught_Programmes_Pages_72-79-UPDATED-05-11-2019.pdf)

Reflective practice is a core aspect for your workbooks and although there is a variety of useful resources on Moodle, there is one particular book, that is specifically based on reflective practice in policing, here is a link to one chapter from Selina Copley's Reflective Practice for Policing Students:

https://moodle.uwtsd.ac.uk/pluginfile.php/298870/mod_resource/content/1/Reflective%20Practice%20for%20Policing%20Students%20-%20Selina%20Copley%20Chapter5.pdf

How is the workbook assessed?

Advice and support about the completion of this workbook will be provided by university staff as part of your initial training day. Your tutor constable and in-force training staff will not be involved in assessing or marking your workbook after it has been submitted.

Dates of workbook submission will be made available during the initial training day and posted on Moodle.

Once submitted your workbook will be assessed and marked independently.

Confidentiality

It is important that no individual can be identified either directly or indirectly from the information in the workbook. Therefore, you must:

- adhere to guidance in the Student Handbook about unfair practice and plagiarism;
- not identify individuals including witnesses, victims or offenders by name;
- not write information that enables any individual to be identified indirectly through the description you provide. This includes references to names, colleagues, places (including hospitals, schools, town, villages, streets) specific incidents which were high profile and could be identified due to past publicity, other professionals or any other personal information including medical or other conditions.
- take personal responsibility for adhering to confidentiality rules.
- not include any dates of any incidents or anything that specifically identifies an actual incident.

The content of this workbook should be your own work. Do not allow anyone else to see your work or use your work for their own submissions.

Please be aware that any content that is deemed to be inappropriate, disrespectful, or abusive will not be tolerated. Following review of any content of this nature the information will be shared with the employer of the student responsible.

Should any health and wellbeing concerns be raised because of disclosures made by the student within this workbook, the employer of the student will be informed.

NOTE

Your workbook will be submitted electronically via Turnitin on Moodle. Guidance on this is in the Student Handbook.

Remember that the workbook is YOUR responsibility you must not rely on the assessor or anyone else to pick up any confidentiality breaches as this is your work and you must accept full responsibility for confidentiality. Meeting all the confidentiality requirements is very important.

Dyslexia and other special circumstances

If you have any condition that you feel may affect your ability to deal with any part of the programme, please see the Student Handbook for further guidance. The University has a Student Services Unit that may be able to help but ***it is the learner's individual responsibility to contact them.***

Guidance:

- Your workbook must contain the items specified in the table below (clearly identified and in the order given);
- You should use this document to insert your text / answer within each section of this workbook;
- You should upload your completed document as a saved pdf file of this workbook; if this is not possible then a Worddoc file is acceptable. Do not send a scanned file from a photocopier, an apple.dot file or a Microsoft publisher file as Turnitin will not be able to assess them, despite you being able to upload them.

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Task 5	Independent Patrol Status Confirmation	Equivalent 1500 words
	Confirmation of Confidentiality and Plagiarism <i>Confirmed by submission through `Turnitin`</i>	

Task 1

Relevant areas of the National Policing Curriculum:

Understanding the role of a constable.

Guidance:

Focussing on your initial 6 months of learning and since being attested as a Police Constable, **discuss and compare** the coping strategies you have applied to develop resilience and minimise stress.

1000 words (+/- 10%: include your actual word count at the end of each section)

ANSWER:

In order to discuss and compare different coping strategies I used, it is essential to firstly define both resilience and stress.

Resilience is defined as “the process and outcome of successfully adapting to difficult or challenging life experiences” (American Psychological Association, 2023).

Stress is defined as “a state of worry or mental tension caused by a difficult situation” (World Health Organisation, 2023).

I experienced several situations where I had to reflect on the resilience that I had built up from previous experience. To do this I used the Gibbs Reflective Cycle (Gibbs, 1988).

Before becoming a police officer, I served in the Army for eleven years, serving in Afghanistan, qualifying as a Sniper and a Commando, and was promoted twice to the rank of Corporal. This is the “description” phase of the Gibbs model (Gibbs, 1988), as it is a brief description of the experiences that would help me in my police training.

I would then move on to the “feelings” phase of the Gibbs model (Gibbs, 1988). I had to reflect on the feeling of innate resilience that I already possessed, before joining the Army, and developed during my service, to be able to cope with the adverse situations that I had to deal with, both on operations and during military training. Resilience is seen as both innate “resilience is a single or group of innate traits that people either have or do not” (HR Daily Advisor, 2020) and something that can be developed “challenging circumstances force you to learn to change and adapt” (Walker, 2020).

I would then move onto the “evaluation” phase of the Gibbs model (Gibbs, 1988). I reflected upon the resilience that I had learned during this time to allow me to evaluate and then adapt to the new situations that I was facing, this is an effective strategy for dealing with stress “drawing on past experiences can help you cope with the challenges you’re facing today” (Robinson and Smith, 2023).

I would then move on to the “analysis” phase of the Gibbs model (Gibbs, 1988). I did this by analysing whatever adverse situation that I was in during police training, and compare it to

a situation that I had previously overcome during my military career, that was much harder and more difficult to deal with, or more dangerous than the present situation.

I would then move on to the “conclusion” phase of the Gibbs model (Gibbs, 1988). So, if I was faced with an exam or practical scenario that may cause many people stress, I would compare that situation to when I was on operations in Afghanistan, and the stress I faced there. The stress that I experienced in Afghanistan was very high due to the risk of death or serious injury, the extreme physical demands of the weight of the equipment we carried, the high temperatures and lack of sleep, and the feeling that you did not want to make a mistake as this would let your team members down, “when military personnel are deployed to military operations abroad they face an increased risk of physical harm, and an increased risk of adverse shocks to their mental health” (Bøg, Filges and Jørgensen, 2018). The conclusion was that previously I had faced a much harder situation, so I could cope with this present situation.

Compared to this, sitting in a classroom and typing at a computer for two hours, or going to a training scenario where the victims and suspects are played by your classmates, didn't seem that bad. So, I would then move on to the “action” phase of the Gibbs model (Gibbs, 1988), by reminding myself of this, and I would feel relaxed, I used to say to myself “I'm not going to get shot at or blown up by an IED today, so what is the worst that can happen”? I found that this strategy worked very well to minimise stress, as I did not really feel stressed during these times and was calm throughout. This is evidenced by my good exam results and good feedback from the practical scenarios.

Another coping strategy that I employed to minimise stress was to consistently perform physical exercise on a daily basis. I found that doing this reduced my stress levels as I always felt really relaxed after going for a run or doing strength training. This is due to endorphins being released during and after exercise, and endorphins are “your body's feel-good chemicals—giving your mood a natural boost” (Star, 2023). Also exercise has been shown to “decreases stress hormones like cortisol” (Star, 2023).

I also found that exercise “distracts you from negative thoughts and emotions” (Star, 2023), so whilst exercising I was able to clear my head of the days worries and just focus on what I was doing at that time.

In conclusion, both strategies worked contrasting ways.

Calling on the resilience that I developed during my military career, was used to deal with any stress that I felt at a particular moment. Combining pre-learned resilience, with the Gibbs cycle, gave a structure to it, that allowed me to go through the stages, reflecting on previous experience at each stage, and relating that to the situation I was facing at that moment, and successfully minimising the stress that could potentially be caused if I was not reflecting on that previous experience.

Working in a different way, was the strategy of doing exercise regularly, this was used to manage stress generally, it was more of a consistent strategy that kept me grounded and kept daily stress levels at a very manageable level, by the chemical changes it makes in your body and brain, and by the fact that it was a distraction from the stress that may be coming that day or week.

At times, as I have a young family, going for a run for example, was the only time that I was alone and able to gather my thoughts, as I was either in work or caring for my child, doing household chores, or revising for exams or doing homework. During this precious alone time, I was also able to use the time to think as a time to reflect on previous performances in training, and look ahead to the next activity and try and improve my performance based on that reflection.

I feel that both strategies were effective, and that this was evidenced in my good results in summative tests during training.

Word Count: 1066.

Task 2

Relevant areas of the National Policing Curriculum: Communication Skills, Managing Conflict, Valuing Difference and Inclusion

You must choose a policing incident involving conflict in which you played a significant role with an offender/service user/victim and reflect on what happened.

Critically assess the incident including social and legislative contexts and any relevant cultural, ethnicity and language issues.

Consider the use of effective communication skills that you used within the incident.

Reflecting upon your incident, critically evaluate any theories or models underpinning the causes of conflict within policing interventions. (Examples would include, Betaris Box, The Drama Triangle).

2000 words (+/- 10%: include your actual word count at the end of each section)

ANSWER:

A definition of conflict is “Individuals or groups seek their ends by directly challenging the antagonist by violence or threat of violence” (Gillin & Gillin, 1948).

The circumstances of a policing incident involving conflict in which I played a significant role with an offender are as follows.

A female offender had been arrested for breach of bail conditions and brought into custody at the police station where I work. The offender has an extensive criminal history for a variety of offences, many for violence, she had two hundred and sixty-seven involved occurrences, and she has five convictions for assaulting police officers. Twenty minutes after being brought into custody she had put her mattress on top of her, due to this she was not visible on CCTV, so for safety reasons the arresting officer, a Custody Detention Officer and a Detective Constable that was doing overtime as a Custody Officer, went to the cell to remove the mattress from on top of her.

When they removed the mattress, she snatched it back and charged at the officers, so they extracted from the cell. Before the cell door was shut the offender spat at the officers and her spit landed on the Detective Constable.

After this she was further arrested for common assault by beating on an emergency worker, and the following day my colleague and I were allocated this occurrence. After reviewing the evidence, we prepared for disclosure with the defence solicitor and interview. When the solicitor arrived, we gave him a briefing and went to get the offender from her cell.

Initially she stated that she did not want to be interviewed. She was persuaded to come and attend the interview by using the five-step appeal (College of Policing, 2020).

During the first step, the simple appeal, the offender was simply asked to comply and come to the interview room to meet her solicitor. She still refused to comply, so the second step was used.

During the second step, the reasoned appeal, it was explained why she was being requested to come to interview, so that she could give her account or defence for the assault on the Detective Constable, the seriousness of the law that had been broken was explained to her, and that the cause of the request was that it was her right to have an interview. At this step she was still refusing to come to the interview room to meet her solicitor.

During the third step, the personal appeal, it was explained to her what she was jeopardising a high priority to her, in this case, her liberty, as if she could not provide an adequate defence of her actions she would be charged and remanded. At this point she realised the seriousness of the situation and agreed to come to be interviewed.

Due to the nature of the request that was being made, to come for an interview, if this had progressed to step four, the final appeal, the words "is there anything that I can reasonably say or do to make you cooperate with us" (College of Policing, 2020), would have been used and when step five, action, was reached, the only action that would have been taken would have been to leave her in her cell as she cannot be forced to have an interview.

She was then shown to the interview room and myself and my colleague and I waited outside. A few seconds later her defence solicitor came out and informed us that she was refusing to be interviewed.

At this point, due to her history of assaulting police officers, the fact that she was being interviewed for assaulting a police officer, and the less controlled environment of an interview room compared to a cell, it was decided to take her back to her cell.

In order to offer her one final chance of offering her account or defence, it was decided to attempt a contemporaneous interview in her cell, so that we had exhausted all options with regard to offering her an opportunity to be interviewed (Police and Criminal Evidence Act, 1984).

Due to her prior history of violence against police officers, and the fact that she had only the day before assaulted a police officer in her cell by spitting at them, it was decided to use the BUGEE model (College of Policing, 2020) to conduct the attempt.

The "B" in the mnemonic stands for be prepared to back off, if she attempted to assault anyone by any means, we would simply close the cell door immediately, as this would minimise the highly likely risk of her attempting to again assault a police officer.

The "U" stands for use of effective cover. As we wanted to film the attempted interview on body worn video, it was not appropriate to do it through the hatch of the cell, as this would have been best use of cover, due to the fact that the suspect would not be visible. So, one officer only would expose themselves, to reduce the risk of harm to other officers. Also, we would only open the door the minimal amount necessary to be able to engage with the offender so that the door could be used as cover, both by the officer at the door moving behind the door, and the door being closed quickly.

The “G” stands for give space and time if possible. The officer would not enter the cell at all, to provide maximum space, and therefore time available to be able to react to any attacks from the offender.

The first “E” stands for early negotiation. We would open the hatch first and let the offender know that we were going to attempt to conduct the interview again at the cell door, prior to opening the door, so as not to surprise the offender.

Also, we would engage with the offender with a calm and respectful attitude and express this in our behaviour, as this would mean that their attitude would possibly be influenced by this and as such their behaviour would remain calm. This model of approaching a situation is known as Betari’s Box (College of Policing, 2020).

The second “E” and final stage is evacuate the immediate area. If the offender became violent at all during the attempted interview at the cell door, the officer at the door, would be dragged back by the second officer and the door would be closed immediately.

It was down to me to conduct the final attempt at interview. I put on my personal protective equipment of stab proof vest and high visibility utility vest, due to the history of violence of the offender against police officers, and despite her impact factors were those of a small, lightweight female, her mind set and prior conduct is violent and volatile. Due to her history of intravenous drug use and her very recent history of spitting at police officers, I made sure that my spit hood was readily accessible.

Using the ALACT model, developed by Korthagen (Korthagen, 2001), to reflect on the incident, the first stage “A” stand for Action, a summary of that is detailed below.

As per the plan I then opened the hatch and calmly informed the offender that I would be opening the door.

I opened the door, being mindful not to open it too wide, and keeping as much of my profile behind the door as possible and attempted to conduct the interview again. I spoke using the LEAPS model (College of Policing, 2020). “L” stands for listen, so, I was prepared to listen the whole message that the offender was going to say (if she decided to speak).

“E” stands for empathy, so I was prepared to show understanding and not to judge what the offender had to say, as a cultural factor affecting drug users is stigma of the fact that they are drug users and that they are dismissed by mainstream society “Drug and alcohol stigma does happen” (NHS, 2023).

“A” stands for ask, so I was going to ask effective questions to establish and clarify facts. This was the whole purpose of the interview.

“P” stands for paraphrase, I was prepared to do this in order to emphasise to the offender that I understood what she had said.

“S” stands for summarise, as per every interview, it is good practice to summarise after each topic.

This model is not only used by the police, it is advocated by a variety of other agencies, such as the NHS (NHS, 2017), and even universities (University of Warwick, 2022).

I told the offender that I would be interviewing her again and it was her final chance to get her side of the story over to us before court. Even though I engaged with a calm attitude, as per Betari's Box and used LEAPS to communicate with the offender once the door was open, the offender completely ignored me during this final interview attempt.

When I opened the door, she was lying on the bed in the cell with her head towards the door, she had a blanket over her. As soon I started to talk, she pulled the blanket over her head so that I could not see her face.

It was apparent from this that she was refusing to participate in the interview. I calmly and politely explained to her one more time that this was her last opportunity to provide any defence or explanation for the allegations that had been made against her. She continued to ignore me, so I informed her that the interview was being terminated.

The next stage in the ALACT model is Looking back on the action (Korthagen, 2001). On reflection of this incident, I believe that even though, ultimately the offender did not assault or attempt to assault myself, my colleague or anyone else, the precautions that we put into place, and the models that we employed, were justified due to the potential of threat, risk and harm to officers.

The use of the five-step appeal was effective, in initially at least, getting her out of her cell for the original interview, even though ultimately, she refused that interview, there were not really any options available to us.

The next stage in the ALACT model is Awareness of essential aspects (Korthagen, 2001). The essential aspects were, safety for officers and a positive result for the victim. Ultimately no officers were harmed during my involvement in the incident, and a positive outcome for the victim was obtained, as the offender was charged and remanded.

The next stage in the ALACT model is Creating alternative methods of action (Korthagen, 2001). So, even though the methods employed were all taught at initial police training, they were mainly concerned with reducing the exposure to risk for officers, rather than getting a satisfactory outcome for all parties. It could have been beneficial to use another method to engage more with the offender, in order to persuade her to engage fully with the criminal justice system.

One method that could have been used is the Alternative Dispute Resolution model (Cornell Law, 2023), which suggests among other methods, the use of mediation to resolve conflict.

As 57% of opioid drug users have mental health problems (Office for Health Improvement and Disparities, 2021), perhaps one of the mental health nurses that works in custody could have acted as a mediator between us and the offender, in order to implement Alternative Dispute Resolution and so persuade her to be interviewed.

Another reason to use a mediator, would be that drug users "viewed police through a negative lens and that they were sceptical of police authority" (Greer, 2021), so perhaps a

person other than a police officer attempting to mediate in this manner, would have had a positive result.

The advantages of the communication methods used (LEAPS, Betri's Box, 5 step appeal), were that they had potential to facilitate good communication with the offender, if she had any willingness to engage with us, which unfortunately, she did not. The disadvantages were that, they will not work with someone who is adamant on not engaging with the police at all, and perhaps other methods (such as Alternative Dispute Resolution) should have been at least explored.

The advantages of the BUGE model, were that, if the offender had been aggressive or violent towards us, that model meant we could have reacted to the risk and prevented or avoided it.

The disadvantage of that model is that it is about minimising risk, and therefore may hinder other conflict resolution models, because the wearing of personal protective equipment, or the use of cover and maintenance of space, can be contradictory to a non-aggressive, open communication model, such as those detailed above.

However, the use of the model is justified, when considering the National Decision Model, and the need to risk assess, every scenario (College of Policing, 2013).

The final stage in the ALACT model is Trial (Korthagen, 2001). I have not yet had an opportunity to trial using a mental health practitioner to engage with a hostile offender in custody, but should the opportunity present itself, I will certainly trial this method.

Word Count: 2195.

Task 3

Relevant areas of the National Policing Curriculum: Criminal Justice, Valuing difference and inclusion

You must choose **a policing incident** in which you played a significant role with an offender/ service user/victim and reflect on what happened

Critically explore a policing incident that you have **investigated** and examine how you dealt with competing issues such as legalisation, social issues, culture and language.

Consider the victims code of practice and how it was used to support your victim/witness through the criminal justice system during the **investigative process**.

Your reflection must illustrate your understanding and application of core principles of ethics, equality, diversity and human rights.

1750 words (+/- 10%: *include your actual word count at the end of each section*)

ANSWER:

A definition of legislation is “the preparing and enacting of laws by local, state, or national legislatures” (Encyclopaedia Britannica, 2023).

A definition of social issues is “a state of affairs that negatively affects the personal or social lives of individuals or the well-being of communities” (Kulik, 2023).

Culture is defined as “values and beliefs, language, communication, and practices that are shared in common by a group of people” (Cole, 2019).

A definition of language is “language, a system of conventional spoken, manual (signed), or written symbols by means of which human beings, as members of a social group and participants in its culture, express themselves” (Robins, 1999).

A policing incident that I have investigated, where I dealt with these issues, is an incident of a domestic violence related common assault, where both the victim and the suspect were recent immigrants from Sri Lanka, and as such part of an ethnic minority. Neither the victim nor the suspect could speak very good English.

Using the Borton reflective model, a summary of “What happened” (Borton, 1970) is as follows.

I read the log entries on the occurrence and viewed the body worn footage. At approximately 13:00 hours the previous day, the victim had dialled 999 and said that her husband had attempted to punch her in the face during an argument.

When officers arrived, they separated the victim and the suspect. The victim said she had found out that her husband, was having an affair, so she confronted him, packed his bags, left them by the front door, and told him to leave. He refused to leave, an argument began, culminating in him attempting to punch her in the face but not actually hitting her.

The suspect said that he had a new girlfriend, and his wife was not happy about that, and she had told him to leave, and that they had argued, and that he didn't want to leave, but he was going to take his bags to his girlfriend's house.

The suspect was arrested for common assault. As officers were taking him away, the victim asked if she could go with him. Once the victim understood that she could not go with her husband, she asked when he would be back, the officers replied that it was likely that he was not going to be released until tomorrow but there were possible options that could be put in place so he could not return, such as a Domestic Violence Protection Notice. The victim stated that she did not want this and that she wanted him to return and expressed concern that she would be without him over night.

The victim then declined to make a statement to officers and stated that she did not want any further action taken against her husband, also the Victims Code was explained to her.

No house to house enquiries were made by the officers at the scene. Neither victim or suspect had any warning markers or previous convictions.

The officers then took the suspect to the police station where I work, his detention was authorised by the Custody Sergeant. The suspect requested a translator for his first language, that was Sinhala. A point to note at this stage is that there are two main languages in Sri Lanka, Sinhala, which the suspect spoke, and Tamil, (World Atlas, 2017) which the suspect did not speak.

According to the log entries on the occurrence there were no translators available for this language in the whole of Wales. The nearest translator for this language was located in Liverpool and not willing to travel. Because of this the Custody Inspector authorised that the suspect interview could be translated over the phone. The translator however was not available until 08:00 hours the following day (when I started my tour of duty and started working on the case). So, the officers that were dealing with the case, booked the translator for 08:00 hours the following day, in anticipation that we would take over the case, which we did, and my colleague and I were told to deal with the case, my colleague being the officer in the case, and myself assisting.

Our main concern was that the suspect had been in custody for nineteen hours at this time, and so only had five hours left on their twenty four hour custody clock (The Police and Criminal Evidence Act, 1984).

As we started at 08:00 hours, obviously we could not go into interview straight away, we had to prepare for it. So firstly, we reviewed all of the occurrence log and body worn video. We noted that although the response officers that were originally dealing with the case had booked an interpreter, they had not booked a solicitor. So, our first action was to contact one of the duty solicitors and arrange for them to come in, the earliest that they could come in was 10:00 hours. This took another two hours off the custody clock, and as such by the time that the solicitor arrived there were only three hours left.

After the solicitors briefing and disclosure, we brought the suspect to the interview room, dialled in the translator, and left the interview room to wait outside. A few moments later the solicitors came out of the interview room and informed us that the translator did not speak Sinhalese but spoke Tamil, and that the suspect spoke no Tamil at all.

We spoke with the translator, he said he could speak some Sinhalese but was not qualified as an interpreter in that language, he was only a Tamil interpreter. We asked him to explain to the suspect in Sinhalese that there had been a mix up and we would attempt to get a Sinhalese translator, he did this, we also explained this to the suspect ourselves as he does have a basic grasp of English. We then took the suspect back to his cell.

The next stage of Borton's model is the "So what" stage (Borton, 1970), where one reflects on the implications of what has happened. So, we reviewed the occurrence log and detention log again and nowhere does it state that the suspect spoke Tamil, there was only mention of him speaking Sinhalese. It is not known why the response officers booked an interpreter in Tamil and not Sinhalese, although there was clearly some confusion with both languages being spoken in Sri Lanka.

At this stage there was no Sinhalese interpreters available, in the less than three hours that were left on the custody clock. Our supervisor made the decision to release the suspect with no further action, without having been interviewed, as there was no statement from the victim, no possibility of the suspect incriminating himself in interview, and no other evidence in the case.

In this case we had to deal with competing issues such as legislation, social issues, culture and language as the fact was that the suspect and the victim did not speak very good English, they were from a different cultural background than most of the people in the United Kingdom (Office of National Statistics, 2021) including us as police officers (Home Office, 2023), and there is legislation that we had to adhere to in regard to this and in all cases.

The biggest issue with this case was that due to the fact that the suspect did not speak very good English, he was deemed to require a translator for interview as is his right under common law (Crown Prosecution Service, 2019) and the Police and criminal Evidence Act 1984 (Police and criminal Evidence Act 1984) and this meant that his interview was delayed and was taking time out of the time that he was allowed to be in custody, which is twenty four hours (The Police and Criminal Evidence Act, 1984).

Also, not only is it a suspects' right under common law to be provided with an interpreter for interview, it would also be ethically wrong and would go against the Police Code of Ethics. In particular, it would go against the Policing Principles of Fairness and Respect (College of Policing, 2014), as it would not be fair to interview the suspect in a language that he did not fully understand and it would show a lack of respect to the suspect.

Also, it would go against the Standards of Professional Behaviour of Equality and Diversity, from the Code of Ethics, as this part of the code states "I will act with fairness and impartiality. I will not discriminate unlawfully or unfairly" (College of Policing, 2014). Clearly interviewing the suspect without an interpreter would not have been acting with fairness and impartiality and would have discriminated against him.

Interviewing the suspect without an interpreter would also have breached his human rights, in accordance with Article 6 of European Court of Human Rights, The Right to a Fair Trial “everyone charged with a criminal offence should have the free assistance of an interpreter if they cannot understand or speak the language used” (Vogiatzis, 2022).

Another barrier to the effective investigation of the case was the fact that the victim did not want to make a statement, despite calling the police herself. Women not pursuing complaints of domestic violence is a common problem in Sri Lanka “a culture of silence surrounds acts of gender-based violence in the country” (Immigration and Refugee Board of Canada, 2013). So, this cultural issue was a barrier to the investigation.

The officers that attended the incident did attempt to overcome this issue by explaining the support that is available to the victim through the Victims’ Code (College of Policing, 2021), and describing the possible implementation of Domestic Violence Protection Notice and possible escalation to a Domestic Violence Protection Order, (Crime and Security Act, 2010).

The victim was persistent in her refusals to make a statement or to do a Victim Personal Statement, despite the best efforts of the officers, and the Domestic Violence team contacting her in an attempt to persuade her to engage in the process. The victim stated that she was fully aware that her refusal to make a statement would significantly hinder the investigation process it even seemed that this is the outcome that she wanted.

The final stage of Borton’s model, is the “Now what” stage (Borton, 1970), which looks at what could be done differently in future. On reflection, perhaps an interpreter should have been used to engage with the victim in this matter, as the Victims’ Code, the support on offer, and protective measures available from the police and courts, being explained to her in her first language, may have resulted in a different response from her.

Also, in future, I will check the interpreter booked is for the correct language, and not assume that officers that have handed over the case, have done this correctly.

The competing issues of legislation, culture and language combined to result in no further action being taken, however, if we had not ethically balanced the legislation against his language needs, this would have resulted in an unethical breach of his human rights, specifically his right to a fair trial. This would also have discriminated against the suspect and gone against our professional standards of policing with regards to equality and diversity. Also, the victim’s refusal to be supported by the Victims’ Code, partly due to certain cultural barriers to reporting domestic violence in the Sri Lankan community, also contributed to no further action being taken in the case.

Word Count: 1913.

N.B. The wording in the question reads “legalisation”, however I confirmed with Rachel Smith, via email, that it is meant to read “legislation”, so I have answered it as such.

Task 4

Relevant areas of the National Policing Curriculum:

Decision making and discretion, Conducting Investigations and Criminal Justice (Managing offenders)

You must choose **a policing incident** which you played a significant role with an offender/service user/victim and reflect on what happened.

Critically assess your role during a **police investigation** where you played a significant part with an offender/victim and reflect upon what happened.

Reflect upon your use of the National Decision-Making Model and the Code of Ethics and review how this impacted upon your decision making and use of discretion within the **investigation**.

Critically review your responsibilities regarding the provision of CPIA when conducting this **investigation**.

1750 words (+/- 10%: include your actual word count at the end of each section)

ANSWER:

Decision making is defined as “process and logic through which individuals arrive at a decision” (Nitta, 2023).

Discretion in policing is defined as “police work by its very nature is discretionary in the sense that it involves the exercise of choice or judgement” (Bronitt, 2011).

A police investigation where I played a significant part with an offender and a victim was a case of an offender that I arrested for breaching a restraining order.

The suspect had previously been sentenced for domestic related assault, against his wife, and been released after serving a custodial sentence. The conditions of the restraining order were, he was not to contact his wife at all. He had previously breached the restraining order and been given a suspended sentence. On leaving court, after being given the suspended sentence, he called his wife 37 times on that day, and another 16 times the next day. On some occasions she answered, on some occasions he left a voicemail, and on some occasions, it was a missed call.

On the second day of the calling his wife, she reported it to police, and he was being actively looked for by the police. The next day (two days after receiving the suspended sentence) he handed himself in to the police station where I was working.

Using Kolb’s Experiential Learning Cycle, one must first have a “concrete experience” in order to reflect on that experience and learn from it (Kolb, 1984). On being informed that he

handed himself in, I checked the occurrence so that I could familiarise myself with the circumstances and use the National Decision-Making Model (College of Policing, 2013) and the Code of Ethics (College of Policing, 2014) to plan how to proceed.

The first stage of the National Decision-Making Model is to gather information and intelligence. I firstly looked at his profile on NICHE to see if there were any warning markers, which there were for violence, weapons, and suicide.

I also saw entries saying that he had contacted his wife in breach of a restraining order, a police print of the order, and I noted that officers that attended the victim had seen the call log on her mobile.

I then moved on to the next stage of the National Decision-Making Model which is to assess threat and risk and develop a working strategy. Due to the warning markers on the suspect for violence and weapons, it would be too dangerous for one officer to go down alone to arrest the suspect even though it was in a police station. Due to the warning markers for suicide, it would be better to approach in an empathetic way and discretion would be used not to use handcuffs, if he was compliant, as this could affect his mental state adversely, also using handcuffs for the less than 30 second walk to custody would have been an unnecessary use of force. Handcuffs would only be used if he became non-compliant.

I then moved on to the third stage of the National Decision-Making Model which is to consider powers and policy. Due to the information on the occurrence that he had breached his restraining order and he was handing himself in, I was satisfied that he needed to be arrested for the offence, as I had reasonable grounds for suspecting that an offence has been committed and reasonable grounds to suspect him of being guilty of it (Police and Criminal Evidence Act, 1984)

He would also need to be searched, I could not search him under Section 32(1)(a) of the Police and Criminal Evidence Act 1984 as he was already at a police station, so he would be searched using Section 54 of the Police and Criminal Evidence Act 1984 which allows for persons arrested at a police station to be searched (Police and Criminal Evidence Act, 1984).

Next is the fourth stage, to identify options and contingencies. The first option was to arrest and search at the police station with two officers and no handcuffs as he would have been taken directly into custody as detailed above. If he became aggressive or non-compliant, handcuffs would have been used and we would have requested more officers if necessary.

The final stage is take action and review what happened. All of the stages of the National Decision-Making Model were influenced by the Code of Ethics and all of the Policing Principles and Standards of Professional Behaviour but in this instance specifically Respect was used from the Policing Principles as it was especially important to show the suspect respect as he has warning markers for suicide, and it was important to not exacerbate any feelings that might contribute to that. Also, for this reason it was important to show Authority, Respect and Courtesy from the Standards of Professional Behaviour, as we must always treat people with respect and courtesy, even suspects (College of Policing, 2014).

I went downstairs with my colleague, where he was waiting. Informed him that he was being arrested and the grounds, cautioned him, gave the necessity to allow for a prompt and effective investigation and to protect a vulnerable person.

He made caution replies admitting the offence but attempting to mitigate the circumstances.

I then searched him. He had two mobile phones, both of which were seized as they were relevant to the offence.

We then escorted the suspect to the custody wing of the police station where his detention was authorised. He was compliant and calm throughout.

The second stage of Kolb's model is Reflective Observation, where one reflects on what has happened (Kolb, 1984). On reflection of what happened I believe it was the right decision to arrest him given the evidence. Also, it was the right decision to use two officers for the arrest as it was safer given his warning markers. Also, it was the right decision to use discretion in not using handcuffs as he was compliant throughout and his mental well-being would be better as a result.

I then wrote an arrest statement, where I noted his caution reply and noted the two mobile phones as my exhibits.

I then logged the two mobile phones as exhibits on NICHE and booked them into property, but immediately booked them out so that they could be reviewed as evidence. Both phones were unlocked. One of the phones was disconnected so incapable of making calls, the other was connected and was the same number that he had made the calls to the victim. The calls made to the victim had been deleted from the phone.

I then reviewed the evidence that was already on the occurrence; screen shots of the calls from the victims mobile, and audio recordings of the voicemails received by the victim and imported them from NICE to the occurrence on NICHE.

When reviewing the evidence, I was mindful of the Criminal Procedure and Investigations Act, 1996 requirements that as professional investigators we remain impartial, and that we have a duty to follow all reasonable lines of enquiry, even those lines of enquiry pointing away from suspect (Criminal Procedure and Investigations Act, 1996).

I then prepared for interview with my colleague. We made sure we had prepared for a talking, interview, a no comment interview and a prepared statement. We made sure that all the aspects of the offence were covered and the points to prove, in this instance that he was not meant to contact the victim at all.

We then gave the suspects solicitor a briefing and disclosed the evidence that we had, in line with the Criminal Procedure and Investigations Act 1996, which was the phone evidence showing the call and voicemails, the suspects caution replies and a witness statement from the victim, and the phones that had been seized.

After this the interview was conducted. My role was that of second interviewer. The interview was conducted in accordance with the Police and Criminal Evidence Act 1984 Code C (Police and Criminal Evidence Act, 1984) it was a no comment interview.

Once the interview was concluded myself and my colleague put the summary of the interview onto the Detention Log on NICHE.

I called the victim to update her that we were going to send casefile to the Crown Prosecution Service for a charging and remand decision.

We then prepared the case file to send to the Crown Prosecution Service, making sure that all of the case file was in compliance with the Criminal Procedure and Investigation Act 1996.

In order for the case file to be in compliance with the Criminal Procedure and Investigation Act 1996, it is imperative to make sure that all material is reviewed, recorded, retained and revealed, for disclosure (College of Policing, 2013). To do this the material must be categorised on the case file as evidence, or relevant material. This can be defined as material that “has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case” (Attorney General’s Office, 2022).

The evidence that we had was, the recordings from the victims’ phone, the screenshots of the calls from the suspects phone, the witness statement from the victim, my arrest statement detailing his caution replies, and the interview of the suspect. This was all uploaded to the case file and labelled as evidence/relevant used material.

All other material was recorded as unused material and listed on the MG6C form. Unused material is defined as “relevant to the investigation but which does not actually form part of the case for the prosecution” (Crown Prosecution Service, 2019).

I then redacted from the case file any personal details of those involved. I also recorded that there was no sensitive material on the MG6D form. Sensitive material is defined as material that would “would give rise to a real risk of serious prejudice to an important public interest” (Criminal Procedures and Investigations Act, 1996).

All material that could undermine the prosecution case or assist the case for the defence, known as the statutory disclosure test (Crown Prosecution Service, 2015), was recorded and labelled correctly on the MG6E form. At this time this was the suspects mobile phone that showed no records of calling the victim (however at this time the phone is awaiting a download by a Digital Medi Investigator, so this may change).

The case file was sent to the Crown Prosecution Service as my supervisor deemed that it met the full code test, which is that there was enough evidence to convict the suspect and that it was in the public interest (College of Policing, 2013).

The suspect was charged and remanded.

My final involvement with the case was to take a Victim Personal Statement from the victim, this is the right of victim, according to the victims code (College of Policing, 2021).

The third stage of Kolb’s model is Abstract Conceptualisation, where “reflection gives rise to a new idea” (Kolb, 1984). On reflection, I believe engaging with the victim sooner, while reviewing the evidence and before interview, rather than relying on her witness statement

and the evidence alone, would have been beneficial to get a feel for how the crime had affected her, and worked this into the interview, perhaps yielding different answers from the suspect.

The fourth stage of Kolb's model is Active Experimentation, where the new idea from the third stage, is applied to new experiences (Kolb, 1984). I intend to apply my idea of engaging with the victim sooner and applying the impact in interview with suspects, as I go forward in my policing career.

Word Count: 1925.

Task 5

Independent Patrol Status confirmation – equivalent to 1,500

This compilation of this task shall be confirmed by the employer once independent patrol status is achieved.

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