



Force Policy

Document title: INTERVIEWS WITH PERSONS SERVING CUSTODIAL SENTENCES INCLUDING CASE DISPOSAL POLICY

Document Reference: 06/060

Owner: Head of Department, Crime Support

Review date: March 2022

This Force policy is suitable for public disclosure under the Freedom of Information Act 2000

This document sets out principles to help guide decision making and, in some parts, may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk-based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

This document should be read in conjunction with the Force Policy Statement.

Introduction

Post Sentence Interviews with persons serving custodial sentences are seen as an effective and efficient method of: -

- Reducing crime and the fear of crime.
- Delivering justice that secures and maintains public confidence in the rule of law.

These guidelines must be followed on each occasion where a visit to a prisoner serving a Custodial sentence is considered and a file submitted for a decision.

Due regard has to be given to the Human Rights Act 1998 and the need to act within its basic framework requirement of legality, legitimate aim, proportionality and fairness. There is potential to interfere with Article 8(1) of the Act, 'Right to Family and Private Life'.

However, the following 'derogations' provided for under Article 8(2) will apply if any action(s) by the police can be shown to be: -

- In the interests of public safety.
- For the prevention of disorder or crime.
- For the protection of the rights and freedoms of others.
- For the protection of health or morals.

Reasons to Conduct Prison Visits

Whilst visits to offenders in custody may be initiated for a number of reasons they should be conducted under the following criteria: -

- At the request of the prisoner or governor.
- To gather intelligence. (Properly conducted visits may provide information on offenders and their associates, their patterns and methods of offending).
- Identify the means of disposal of property and the opportunity to recruit covert human intelligence sources.
- To further the investigation of crime where there is corroborative evidence, i.e. DNA, fingerprints, witness statements, etc. where, regardless of an admission, there is: -
- Sufficient evidence to charge.
- To provide reassurance to victims of crime.

The policy seeks to introduce practices and procedures in order to comply with legislation and national guidelines.

Procedures

Interviews with Persons Serving Custodial Sentences

General Interview – Prison Rule 35

Prison Rule 35 provides that a police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any prisoner willing to see them. Young Offender Institution Rule 12 makes similar provisions, as does Secure Training Centre Rule 12. The procedure to be followed for interviews held at the request of the police is that the inmate will be taken to an interview room and the police officers will be given an opportunity to inform them they wish to interview them (an interview will take place in a cell only if for some reason the inmate is unable to leave it).

Prison Service Instructions establish detailed procedures for two types of interview referred to as 'compulsory' and 'voluntary' interviews.

Interview of Suspects for Indictable Offences – 'Compulsory' Interviews

Where the police wish to interview an inmate because they have reasonable grounds for suspecting them of having committed an indictable offence, the interview will take place within the spirit of the provisions of the Police and Criminal Evidence Act 1984 (PACE) as if the interview was being conducted at a Police Station. Such interviews will be referred to as 'compulsory' interviews.

Prison Service instructions provide for a prison officer of appropriate grade to undertake some of the responsibilities of 'custody officer' in respect of the rights of the inmate. They will be known as the 'authorising officer' and will be responsible for: -

- i. Ensuring that police officers are in possession of the necessary letter of authority.
- ii. Ensuring that the police officers have the necessary authority to enter prison establishments with digital video/audio equipment to record interviews in line with introduction of improved technology to record interviews.
- iii. Establishing whether the interview is 'compulsory' or 'voluntary'.
- iv. Determining whether the police wish the inmate to be informed of the interviews in advance.
- v. Serving a written notice explaining the interview procedure and ensuring that the inmate is informed of their right to legal advice or an interpreter where necessary.
- vi. Ensuring the interview does not take place without the presence of an 'appropriate adult' where the inmate is under 17 or mentally ill or disabled.
- vii. An 'appropriate adult' may, in the last resort, be a prison officer (this applies to both 'compulsory' and 'voluntary' interviews).
- viii. Ensuring that a log is maintained of the times of commencement of the interview, refreshment breaks taken and time of finish, together with any other matters considered relevant. Police will be permitted to see the log or have a copy forwarded to them if they request it.

Where a suspect's rights under PACE are to be withheld, the police must produce the necessary certification signed by an officer of the rank of Superintendent or above.

Where the attendance of a solicitor, interpreter or 'appropriate adult' from outside the establishment is required, the necessary arrangements for this will be the responsibility of the police.

'Voluntary' Interviews

Where it is desired to interview an inmate in connection with matters other than those set out above, it is for the inmate, once the police have explained to them why they wish to interview them, to decide whether they will be interviewed. If they refuse to be interviewed, that is the end of the matter. If they consent, the interview may be terminated when they wish.

Advance Notice

In order to avoid wasted time and unnecessary expense, officers should ensure that the inmate is asked if they are willing to see them in the case of a 'voluntary' interview; or in the case of a 'compulsory' interview, whether the inmate wishes to consult a solicitor prior to interview or have one present at the time.

Interviews in Prison Establishments

Interviews in connection with an incident which has taken place at a Prison Department establishment will no longer be regarded as 'compulsory' but will be treated as 'compulsory' or 'voluntary' on the criteria set out above, in the light of the particular circumstances.

Written Statement

Any written statement made during an interview may be taken away by the police without being examined by the prison authorities.

Authority Levels

Applications to undertake a prison visit should be submitted in writing to an officer not below the rank of Detective Inspector.

The authorising officer must be satisfied which specific reason and criteria are met in justifying the visit. The authority must be given in advance of the visit and identify the supporting correspondence or information.

Authorising officers should ensure that the Force Prison Intelligence Officer, Specialist Crime and Intelligence Unit, Crime Support, HQ is consulted before visits are undertaken and that a copy of the prison visit report is subsequently provided to them.

To assist in the authorisation process and subsequent audit of prison visits, pro-forma sets out the above points and other relevant information. This pro-forma should be completed for each proposed visit by the officer concerned, recording the authorising officer's decision and the result of the visit.

Formal Letter

Once authorisation to visit has been given, those officers nominated to attend at the custodial establishment should be provided with a formal letter of introduction to the governor, signed by an officer not below the rank of Detective Inspector. The letter must identify the officers nominated to conduct the visit.

In order to assist the Prison Service, a standard letter has been agreed, Force Form 489.

Conduct of Visits at Custodial Establishments

For corroborative purposes, two officers should normally be present at the interview. While the officer in the original case will frequently be the recipient of a subsequent invitation to visit, the benefits of experience in this area of work cannot be understated.

It may be considered beneficial that one of the two officers attending should be an intelligence officer.

Officers carrying out prison visits should wear smart plain clothes.

Production of Prisoners into Police Custody (see notes relative to the Production of Prisoners into Police Custody)

Schedule 1 of the Crime Sentences Act 1997 delegates to prison governors, the authority to order the production of prisoners, at the request of the police.

Governors are authorised to order the production of prisoners to the police under Schedule 1 to the Crime (Sentences) Act 1997 without reference to Prison Headquarters, with or without the prisoners' consent and irrespective of whether or not an overnight stay in police custody is involved. When a prisoner is removed to a police station under a production order, he is in the legal custody of the police, the authority for custody stemming from Section 35 of the Criminal Justice Act 1961.

Whilst, in these circumstances, the Prison Rules do not apply, the police will be asked to ensure that prisoners receive the benefit of Prison Rules wherever possible.

Governors may order the production of prisoners to the police for any of the following purposes: -

- To answer another charge.
- To be dealt with for an offence for which they were placed on probation or conditionally discharged, or for which a suspended sentence was passed.
- To appear as a prosecution witness.
- To help recover stolen property or hidden firearms or explosives.
- To identify premises in connection with criminal investigations.
- To be interviewed in connection with the investigation of an Indictable Offence; as
- Defined by Serious Organised Crime and Police Act (SOCAP) 2005.
- To take part in an identification parade.

Notes (relative to the Production of Prisoners into Police Custody)

This procedure does not apply to category 'A' prisoners (including potential and provisional category 'A' prisoners), protected witnesses, notorious prisoners or requests that raise particular security problems.

Such requests **must** be referred to the Prison Advisory Service via the Prison Intelligence Officer, Specialist Crime and Intelligence Unit, Force Headquarters.

Requests by the police for the production of a prisoner will be made on Force Form 490, which must be signed by a police officer not below the rank of Detective Inspector.

Once completed Form 490 should be submitted direct to respective prison, however, advice may be sought through the Force Prison Intelligence Officer at Headquarters. Before exercising their discretion and producing a prisoner, a governor must be satisfied that the production is desirable in the interests of justice.

Each case must be considered on its merits and requests for production should not be unreasonably refused.

Governors must decide whether production to the police is necessary or if the purposes for which the police require production could be met by the police coming into the prison e.g. to carry out an interview. Police advisors should be consulted where necessary.

Production is not subject to the consent of the prisoner, although the purpose of the production e.g. participation in an identity parade, may make it desirable that the willingness of the prisoner to co-operate is established, in order to avoid the production being wasted of police time.

The governing governor should approve the production. In the absence or non-availability of the governing governor, the production must be ordered by the person in charge at that time.

If the governor is satisfied that production is in the interests of justice, agreement to produce the prisoner must be notified to the authorising officer of the requesting police force, using a standard letter.

If the prisoner is required to remain in police detention overnight, the police officer authorising the request for production must confirm that the prisoner: -

- Will be held at a police station designated under **Section 35** of the Police and Criminal Evidence Act 1984.
And;
- That it is approved as such by the Police Advisors Section at Prison Service Headquarters.

See also the ACPO Memorandum of Understanding between the Police and Prison Service, in particular, **Police and Prison Service – Introduction** and **Police Prison Intelligence Officers**, consult with the Prison Intelligence Officer for further details or clarification.

When prisoners are released into the custody of a police officer/Law Enforcement Agency (LEA), the prisoner will be dealt with in strict accordance of the instructions detailed at Appendix A.

Interviews must, where appropriate, be conducted in accordance with the Police and Criminal Evidence Act 1984 and the associated Codes of Practice.

Where legal representation is declined, the prisoner should sign pro-forma to that effect. This includes a statement to the effect that, at any stage of the interview, the prisoner may invoke the right to legal representation.

The questioning and interview will be conducted and recorded in the same manner as the interview of any other person suspected of a criminal offence.

Each interview will be recorded contemporaneously, or by digital audio/video recording, if facilities at the prison establishment allow this. Changes in prison legislation re prohibited articles and technical equipment now used to record interviews.

Permission must be obtained prior to attending the prison with the necessary recording equipment.

Juvenile offenders, who are in a custodial establishment, or police custody, must be dealt with in the same way as any other juvenile offender suspected of crime. An appropriate adult **must** be present throughout any interview.

Where a juvenile offender is taken from a custodial establishment for the purpose of identifying criminal activity or specific crime scenes an appropriate adult must be present. Those people present must endorse any contemporaneous notes taken.

The address, shown at the top of any contemporaneously recorded statement, must show the prisoner's usual or last known place of abode **not** their prison address. This approach is always required.

If prosecution of the prisoner is considered, the prison address must never appear on the contemporaneously recorded statement.

Where a prisoner has been taken from the custodial establishment for the purpose of identifying places of crime or criminal activity, these places and any questions asked or admissions made, should be recorded contemporaneously.

On conclusion the prisoner should be asked to sign these notes no matter what detail has been recorded at that stage. It may be necessary to conduct a more comprehensive interview later.

Given that such admissions are likely to concern serious crime or a substantial number of offences, it may be appropriate for any subsequent interview to take place at police station.

Where the interview of the prisoner takes place at a police station, then it must be subject of an appropriately recorded interview as directed under Code E of the Codes of Practice.

Interviewing officers should ensure there is detail about the: -

- Date
- Time
- Location
- Method
- Unusual or peculiar aspects known to the prisoner

- Property stolen, places of disposal, other persons present etc.

Preparation and Submission of Evidence Regarding Admitted Offences

When officers have interviewed a prisoner and that prisoner has admitted his involvement in a further offence(s), a file must be prepared in accordance with force guidelines. Once the file has been completed, it must be submitted for the attention of the Divisional Detective Chief Inspector.

The file, in all cases, will contain crimes with: -

- Stand-alone evidence (excluding interview), or interview evidence which either
- supports forensic evidence linking the offender to the crime or is an admission from a
- previous unrecorded crime later confirmed by the victim to be entered on a Schedule
- One Form 590(A), or;
- Evidence of admission only for a previous recorded crime. To be entered on a
- Schedule Two Form 591(B).

In addition, the file should also include a covering report detailing the offender's full antecedent history inclusive of: -

- All periods when detained in custody
- Length of sentence
- The earliest date of release
- A recommendation as to disposal
- A copy of the intelligence report
- A record of interview or statement made by the prisoner
- Copies of all authorities given
- Letters of introduction to prisoner governors
- Copies of relevant crime reports

CPS Evidential Test

The Detective Chief Inspector, must initially consider the evidence of crimes as contained within the Schedule One form against the Crown Prosecution Service (CPS) evidential test.

Crimes that do not fulfil the CPS test will remain undetected on the Crime Recording System for Home Office purposes and consideration given for all crimes as contained in both schedules for a mark off under the Derbyshire Custody Detention Code (see paragraph one, under sub-heading – Derbyshire Custody Detection).

In the Public Interest to Prosecute

Crimes fulfilling the CPS test will be considered as to whether they are in the public interest to charge and prosecute.

Crimes considered not to be in the public interest by CPS can be detected under Home Office Code D6.

If a charge is decided, the file will be suitably endorsed to this effect and forwarded to the CPS via the Criminal Justice Unit HQ who will attach the CPS advice letter, Force Form 587. If there are multiple offences included on the file, the Detective Chief Inspector should also request a decision on serving any offences not subject of charge as a TIC.

If the CPS decision is to support the charge, then the file will be returned to the Criminal Justice Unit, HQ, for the appropriate crimes to be detected as a charge and proceedings commenced. Any agreed TICs will be entered onto Form MG18 and will be served on the offender at the time of charging.

Not in the Public Interest to Prosecute – Home Office Detection

Crimes not in the public interest to charge and prosecute can be detected by the Detective Chief Inspector under the Home Office Prison Interview Code Outcome 21.

If the evidence in support of the detention is: -

- Stand-alone evidence (excluding interview);
- Interview evidence which either supports forensic evidence linking the offender to the crime;
- Is an admission from a previous unrecorded crime later confirmed by the victim;
- Then the details should be entered on a Schedule One Form 590A.

Any evidence of interview will only be accepted by detection if the crime has not been previously recorded as a crime and is later confirmed by the victim.

The crimes will be endorsed and forwarded to the Criminal Justice Unit HQ for the appropriate mark-off. The Criminal Justice Unit HQ will be requested to send the letters to the victims on form 488A or to request the investigating officer to conduct a personal visit.

Derbyshire Custody Detection

If the interview is the only evidence available on a previous recorded crime then these crimes must remain undetected. These types of crime, however, can be finalised under the Derbyshire code of 'Custody' after consideration is given to the content of the evidence against the prisoner.

The crimes will be endorsed and forwarded to the Criminal Justice Unit HQ for the appropriate mark-off. The Criminal Justice Unit HQ will be requested to send the victims letters on Form 488B or to request the investigating officers to conduct a personal visit.

Note: *When the crime is of a serious nature, a personal visit to the victim will be arranged so that the rationale for the proposal can be explained. The above circumstances may relate to where the victim is a child, vulnerable person, serious assault or of a serious sexual nature or where the person is a repeat victim.*

Offences admitted and not previously recorded cannot be detected or reported as crimes on Niche without the victim's confirmation that they took place. Without this confirmation it is the responsibility of the investigating officer to record the offences under an intelligence item for linking to the nominal record.

A flow chart at Appendix B shows the process of decision making and case disposal procedure.

On completion, the files will be forwarded for the attention of the Crime Registrar and Audit Unit at Crime Management Unit Headquarters for auditing for compliance with the National Crime Recording Standard.

To ensure the impartiality in the audit process, the Head of Department, Crime Support HQ, will carry out a dip test of 10% of all completed prison mark-off files by random selection from a quarterly list which will be produced by the Criminal Justice Unit HQ. All such files will be appropriately endorsed.

From 03/12/2007 Non-Sanction Detection D1 and D6 Indictable Crime the recording of indictable crimes as detected under detection method D1 'offender deceased' and D6 'where the Crown Prosecution Service decide it is not in the public interest to prosecute' as contained within the Home Office detection rules ceased.

The crimes will remain undetected on the Derbyshire NICHE System and will not be counted in the Home Office data return.

The NICHE system will have both detection codes protected from any update, although it will be possible to search for the detection codes recorded prior to this force policy.

This does not negate an officer from their duty to carry out the necessary enquiries to pursue sanction detection and link any known suspects to the crime. This is to ensure the Management of Police Information (MOPI) is complied with and that accurate evidence is available to enable an assessment to be made as regards to outside agency disclosure and for information sharing purposes.

It may also be worth consulting the Force Intelligence Management Unit (FIMU) in respect of the Prisoner Information Notification System (PINS). PINS was introduced into the Force in October 2009 to securely manage the dissemination of prisoner release data from the prison service to police intelligence units.

PINS is a critical intelligence application to manage the dissemination of prisoner release data to Police Intelligence Units.

Prison and Police data is collected from a variety of sources and PINS automatically cross references and links records. Daily monitoring of prison data triggers notification to intelligence officers detailing critical prisoner data amendment as well as advance release notifications.

PINS is not evidential and OPT applications may still be required for intelligence purposes. All products obtained as a result of an OPT application are for use as intelligence only and should not be disclosed without further consultation with HMPS. In circumstances where intelligence is required for evidential matters, this would not normally be subject to an OPT application but rather a written request to the Prison Governor in the first instance. It is recommended that early consultation should be made with the Force Prison Intelligence Officers.

PINS is designed to enable: -

- Location enquiry on any individual in prison nationally.
- Flagging of prisoners for notifications of changes or released.
- Flexible searching of prison population by crime, nationality, prison.
- Tracking of prolific offenders.
- Automatic matching of warrants.
- Volume checking any list of offenders against the prison population.
- Visibility of current cell and wing sharing arrangements.
- Reporting on current electronic tags by local area.

It is recommended that prior liaison with Prison Intelligence Officers regarding the correct procedures is necessary to obtain correct authority to enter HMP Prison in possession of visual/audio digital recording equipment.

The risk assessment must include a PNC check and enquiries as to whether the prisoner has a history of escape, self-harm or injury to others.

The following issues with the risk assessment must be considered and security guidelines must be strictly observed at all times. The application must be proportionate to what is sought to be achieved and must specify what the Police/LEA intend to do with the prisoner.

The following areas within the risk assessment must be considered: -

- PNC check and the response to any warning signals.
- Only police vehicles equipped with inter force radio, or hand-held airwaves radio are to be used for conveying the prisoner. The driver of the police vehicle must create an incident on the command and control system prior to collection of the prisoner and the detail must include all areas the prisoner will be passing through with their control room being constantly updated. A larger operation order should be considered.
- Escorting officers must be in possession of alternative methods of communication in addition to inter force radio e.g. mobile telephones and personal radio.

- The prisoner should be handcuffed in the front stacked position at all times outside of the Prison or outside the secure area of the police station. They should be handcuffed at all times including toilet visits (use of closet chain by prison service is something to model on).
- There should be a search of the toilet including cistern prior to use by the prisoner and the prisoner should be searched before and after using the toilet.
- If the purpose of the production is to convey the prisoner to point out offence locations, then only a two-door vehicle is to be used.
- The prisoner is to be placed in the rear seat only; behind the front passenger seat with the escorting officer alongside the prisoner in the rear of the vehicle at all times.
- If the prisoner is to be conveyed direct to a police station then a police van with a cage is to be used.
- Any changes to the production that are considered operationally necessary whilst the prisoner is in police custody must be relayed immediately to the prison via the PLO/PIO, who will determine whether to authorise the change.
- The HO PO authorises no more than what is permitted in accordance with the law.
- No prisoner will be allowed a social visit, whether at the police station or anywhere else.
- The prisoner must be kept segregated from all other detainees at the Station.
- No items are to be passed to the prisoner whilst on production.
- This includes property handed to the police.
- On return to the prison the prisoner should not have any additional items in their possession such as food, money or any other goods.
- No alcohol should be consumed by the prisoner.
- On no account should prisoners be left alone with anyone other than the escorting officers or solicitors and searches should be done after solicitor visits.
- The prisoner is held under prison rules and their custody is to be monitored in the spirit of PACE.
- The prisoner is to be searched on arrival, on return from being out with the investigating officers and prior to returning to HMPS with full records kept.
- It is good practice to search the cell in which the prisoner is detained.
- A custody record is to be maintained whilst the prisoner is on production and will be returned to the prison with the prisoner.
- The prisoner should arrive with a HMPS Prisoner Escort Record (PER) form and when the prisoner is returned to HMPS the police will sign this record to ensure any change in circumstances has been recorded.
- Police cannot release a prisoner out of production.
- A Prison Governor has the right to visit any prisoner out on production.
- It is good practice to avail the prisoner of a police doctor according to the circumstances.

Appendices

Appendix A – Instructions for dealing with prisoners released into custody of police

Appendix B – Post Sentence Interviews – Case Disposal Procedure

Appendix A

It is a fundamental issue that the police are able to certify that the standards of Security, Safety and decency are met.

Prior to any authorisation of a production, the police or any other law enforcement agency must undertake the risk assessment process.

The risk assessment must include a PNC check and enquiries as to whether the prisoner has a history of escape, self-harm or injury to others.

The following issues with the risk assessment must be considered and security guidelines must be strictly observed at all times.

The application must be proportionate to what is sought to be achieved and must specify what the Police/LEA intend to do with the prisoner.

The following areas within the risk assessment must be considered: -

- PNC check and the response to any warning signals.
- Only police vehicles equipped with inter force radio, or hand held airwaves radio are to be used for conveying the prisoner. The driver of the police vehicle must create an incident on the command and control system prior to collection of the prisoner and the detail must include all areas the prisoner will be passing through with their control room being constantly updated. A larger operation order should be considered.
- Escorting officers must be in possession of alternative methods of communication in addition to inter force radio e.g. mobile telephones and personal radio.
- The prisoner should be handcuffed in the front stacked position at all times outside of the Prison or outside the secure area of the police station. They should be handcuffed at all times including toilet visits (use of closet chain by prison service is something to model on). There should be a search of the toilet including cistern prior to use by the prisoner and the prisoner should be searched before and after using the toilet.
- If the purpose of the production is to convey the prisoner to point out offence locations, then only a two door vehicle is to be used. The prisoner is to be placed in the rear seat only; behind the front passenger seat with the escorting officer alongside the prisoner in the rear of the vehicle at all times. If the prisoner is to be conveyed direct to a police station then a police van with a cage is to be used.
- Any changes to the production that are considered operationally necessary whilst the prisoner is in police custody must be relayed immediately to the prison via the PLO/PIO, who will determine whether to authorise the change. The HO PO authorises no more than what is permitted in accordance with the law.
- No prisoner will be allowed a social visit, whether at the police station or anywhere else.
- The prisoner must be kept segregated from all other detainees at the Station.
- No items are to be passed to the prisoner whilst on production. This includes property handed to the police.
- On return to the prison the prisoner should not have any additional items in their possession such as food, money or any other goods.

- No alcohol should be consumed by the prisoner.
- On no account should prisoners be left alone with anyone other than the escorting officers or solicitors and searches should be done after solicitor visits.
- The prisoner is held under prison rules and their custody is to be monitored in the spirit of PACE. The prisoner is to be searched on arrival, on return from being out with the investigating officers and prior to returning to HMPS with full records kept.
- It is good practice to search the cell in which the prisoner is detained.
- A custody record is to be maintained whilst the prisoner is on production and will be returned to the prison with the prisoner. The prisoner should arrive with a HMPS Prisoner Escort Record (PER) form and when the prisoner is returned to HMPS the police will sign this record to ensure any change in circumstances has been recorded.
- Police cannot release a prisoner out of production.
- A Prison Governor has the right to visit any prisoner out on production.
- It is good practice to avail the prisoner of a police doctor according to the circumstances.

Appendix B

Post Sentence Interviews – Case Disposal Procedure

HQ CRIMINAL DATA SECTION

To receive the completed file and record its receipt and movement to the Divisional Detective Chief Inspector on NICHE reports.

DIVISIONAL DETECTIVE CHIEF INSPECTOR

To review the crimes and the evidence contained in the file, apply the CPS evidential and public interest tests and decide on the action to be taken as below: -

Schedule One – Crimes with supporting evidence with or without an admission

Does the file contain sufficient evidence to pass the CPS evidential test?

Yes, and the CPS public interest test is also met (i.e. there is a realistic prospect of securing a conviction at court)

the file should be referred to CPS for a final decision on charging. The Detective Chief Inspector should also request that where there are multiple admissions supported by corroborating evidence, CPS also decide whether any offences that are not to be charged may be taken into consideration.

No but where there is evidence of admission in interview of a previously recorded crime, disposal of the crime(s) under Derbyshire detection Code G may be authorised.

No and if the evidence of interview is not sufficient to indicate that the suspect may be responsible, the crime(s) must remain undetected.

A Home Office Admin Detection under Code outcome 21 may be authorised if there is not a genuine chance of prosecution at court but there is: -

- Stand-alone evidence regardless of any interview
- An interview to support forensic evidence
- Details in interview of a crime not previously recorded but since confirmed by the victim.

Note: Crimes admitted in interview which have not been previously recorded but are later confirmed by the victim may be recorded and detected on NICHE.

Schedule Two – Crimes previously recorded on NICHE with evidence of admission only.

HQ CRIMINAL DATA SECTION

Dispose of crimes on NICHE in accordance with the disposal(s) authorised by the Divisional Detective Chief Inspector and complete and send the relevant victims' letters (Form 488(a)(b) – Outcome 21.

"If the offence is serious the Detective Chief Inspector may prefer a personal visit to be made to the victim by the investigating officer rather than a letter being sent."

Forward the file to CPS where the Detective Chief Inspector supports a charge.

On return from CPS: -

If the decision to charge is supported, forward the file to the investigating officer for charging to be arranged and if CPS have agreed that some offences should be taken into consideration, to complete and serve the TIC schedule (MG18) at the time of charging.

If the charge is not supported, dispose of the crime(s) under the CPS disposal outcome 15 and complete and send victims letter Form 488(a).

