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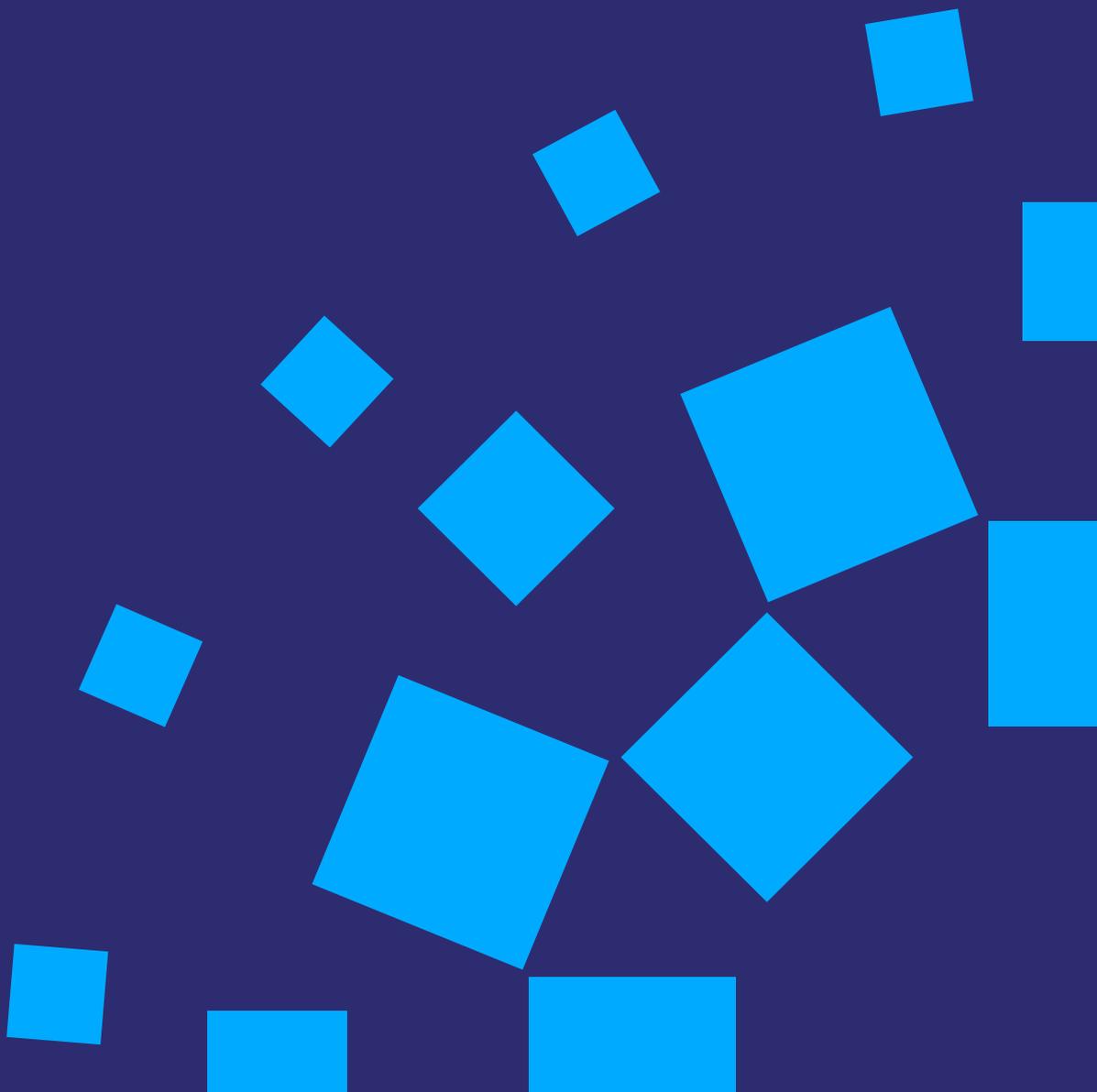
Working together
to keep people safe

Effective investigations

Developing and improving the application
of the investigative mindset

Scope of practice guidelines

November 2020



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Scope of practice guidelines

1. Title

Effective investigations: developing and improving the application of the investigative mindset.

2. Overall approach and description of topic

College of Policing practice guidelines are developed and agreed by an independently chaired committee, made up of practitioners, subject matter experts and academics, with support from the College. Practice guidelines are based on evidence. The committee will use empirical research and practitioner experience that has been systematically collected and synthesised to agree the guidelines. These will be subject to consultation with stakeholders, practitioners and the public before being agreed and released by the College.

The overall focus of these guidelines is on how best to ensure the application of an 'investigative mindset' throughout an investigation. 'Investigative mindset' is a term used to describe a systematic approach to gathering and assessing material, underpinning an effective investigation (see section 5.3 of ACPO Core Investigative Doctrine (2005:61)). As well as setting out the components that make a good investigative mindset, the guidelines will focus on how to support its effective application, including whether there are any tools or tactics that can be used to mitigate barriers to undertaking a systematic approach. The processes within an investigation cover – but are not limited to – planning, gathering material (organising, examining, collating, recording and evaluating), hypothesis development, testing and interpretation.

This guideline will complement the **initial accounts guideline**, the driver for which was to improve the quality of material gathered by first responders.

This document sets out the background to, and the scope of, the practice guidelines. It also covers what will, and will not be, considered in their development.

3. Intended audiences

This guideline is primarily aimed at uniformed police constables but will apply more broadly to any investigator at any level. It is likely that the guideline will also be relevant to individuals who are responsible for supporting officers and staff who work in an investigative capacity.

4. Overview of context

The College conducted a thematic analysis¹ of the recurring issues facing policing, to help understand where to set national standards to drive improvement activity. This work identified a number of perennial issues facing the service, one of which related to limitations in investigative capability and issues with the collection, use and disclosure of evidence. The Peel: State of Policing 2019 report² supports the importance of addressing this aspect of policing, as do recent figures on crime outcomes that show a fall in the proportion of crimes resulting in a charge or summons, continuing a downward trend seen since the year ending March 2015.³⁴

The most recent Peel assessment identified force difficulties in meeting the demands of high-volume crime, delays in recovering evidence from digital devices, poor supervision and a shortage of investigators.

1 The work was undertaken in 2017 and involved an analysis of Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection reports, Independent Office for Police Conduct (IOPC) investigations, police and crime plans, interviews with chief constables and force focus groups, which informed the 10 thematic priority areas for improvement.

2 HMICFRS. (2019). 'Peel: State of Policing, The Annual Assessment of Policing in England and Wales 2019' [internet]. Available from justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/state-of-policing-2019-double-page.pdf [Accessed 17 November 2020]

3 Home Office. (2014). 'Crime Outcomes in England and Wales 2013 to 2014' [internet]. Available from gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2013-to-2014 [Accessed 17 November 2020]

4 Home Office. (2020). 'Crime Outcomes in England and Wales 2019 to 2020' [internet]. Available from gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2019-to-2020 [Accessed 17 November 2020]

Although there has been some progress on the latter, with the deficit of accredited investigators decreasing from 19% in May 2018 to 14% in May 2019, most forces still have a high number of vacancies.⁵

Within investigation, a number of more specific issues have also been identified, including missed opportunities to collect evidence at the initial scene, missing lines of enquiry, poor-quality case files and a lack of understanding of the court process. College of Policing research on disclosure also suggests that issues with disclosure are underpinned by problems with investigations more generally, including a lack of understanding of reasonable lines of enquiry, a lack of understanding of the independent role of the investigator, and prosecution bias. The low charge rate outlined above also points to a potential lack of experience in investigation and experience in case-file building to increase.

Existing national guidance

The existing national guidance on investigation is found in Authorised Professional Practice (APP) on investigation and in supporting practice advice and guidance.

This guidance provides investigators with a comprehensive framework, within which to plan and conduct any type of investigation.

The Professionalising Investigation Programme (PIP) provides learning and development that is underpinned by the national guidance referred to above.

APP on investigation is due to be reviewed in 2020/21 to reflect changes in practice and procedure. As well as providing an important evidence base to the existing advice on investigative mindset, the evidence-based work carried out as part of the development of the guideline will also support and complement the revision of APP, and possible future revisions of the curriculum.

5 HMICFRS. (2019). 'PEEL spotlight report 2019: A system under pressure' [internet]. Available from justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf [Accessed 17 November 2020]

5. Need for the guideline

Investigators' judgements, decision-making and overall supervision of the case are critical factors in the success of an investigation. Where investigations are not conducted well, research and reports suggest that common features include a tendency for investigators to look to confirm their initial ideas and downplay conflicting information,⁶ or investigators not identifying all plausible alternatives before they start collecting, evaluating and integrating information to arrive at a decision. These tendencies are barriers to the application of an effective investigative mindset.

Although PIP supports the effective application of an investigative mindset, as described above, resourcing issues mean that officers may be undertaking more complex investigations than traditionally would be relevant to their level of PIP training. In addition, focus group discussions with officers around disclosure suggest that some investigative management processes potentially work against a more open investigative mindset approach – for example, specific eight- or ten-point plans for volume crime investigations, which may constrain more open investigative thinking. HMICFRS⁷ have also identified that inconsistent supervision of criminal investigations may mean that inexperienced investigators are not receiving the support and guidance needed to maximise evidential opportunities.

The guideline will seek to support investigative capability among investigators, by exploring factors that can impact the effective application of the investigative mindset, such as types of bias, working rules (mental shortcuts), adversarial culture and situational factors (for example, supervision, prioritisation, time and media pressure), and identifying tools and tactics that can mitigate these.

6 See, for example: Alison L and Crego J. eds. (2008). 'Policing critical incidents: leadership and critical incident management'. London: Willan. Macpherson W. (1999). 'The Stephen Lawrence Inquiry: report of an inquiry'. London: TSO. Royal Commission on Criminal Justice. (1993). 'Report of the Royal Commission on Criminal Justice'. London: TSO. Fahsing I. (2016). 'The making of an expert detective: thinking and deciding in criminal investigations'. PhD. University of Gothenburg.

7 HMICFRS. (2019). 'PEEL spotlight report 2019: A system under pressure' [internet]. Available from justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-spotlight-report-a-system-under-pressure.pdf [Accessed 17 November 2020]

The guideline will assist forces to understand what effective practice looks like. It will also provide resources and case studies that will assist with continuous professional development and with developing staff. It complements the initial accounts and supervision guidelines, and it further addresses the issues within investigations outlined above.

6. Evidence gathering to inform the guideline

To support guideline development, the College will carry out a rapid evidence assessment (REA) of the research literature and will gather practice evidence from officers and staff.

Rapid evidence assessments

REAs will be undertaken to identify relevant evidence to be used by the Guideline Committee. The REAs will focus on the following questions:

- What is an effective investigative mindset?
- What factors support or hinder the effective application of an investigative mindset?
- What tactics or tools could support or promote the application of an investigative mindset?

REAs follow clear procedures to search for, sift and bring together the findings of studies on a particular topic within available timescales and resources. This method reduces bias and enables research to be replicated in the future.

Practice evidence and elicitation

Practice evidence will be gathered systematically in order to:

- provide an understanding of current practice and views of practitioners
- collect examples of innovative or potentially good practice
- understand organisational levers and barriers

- identify anticipated future changes that may affect investigations
- identify practical levers to support the implementation of the guideline

This evidence will be gathered both through desk research and through a range of engagement and elicitation activities with policing practitioners and other stakeholders.

About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

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