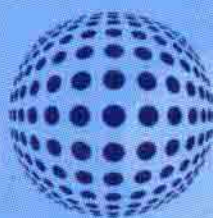


BLACKSTONE'S

POLICE
OPERATIONAL
HANDBOOK:
**PRACTICE &
PROCEDURE**

Second Edition



PNLD

Editor: Dr Clive Harfield

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Preface

There were those who said this book could not be written. There were those who said this book should not be written. At times during the editing of the first edition I held both views with equal fervour simultaneously. The objection raised in each argument was the same: the law is the law but police policy and procedure is interpreted differently by each individual police force according to its own circumstances. How, therefore, could there be an adequate companion volume to the Blackstone's *Police Operational Handbook*? There was, nevertheless, wide consensus that there needed to be a companion volume, to assist frontline police officers and staff with using the statutory tools at their disposal as covered in the Operational Handbook. That is the purpose of this book: to provide a procedural context for policing. Ways of working, drawing upon Codes of Practice and Association of Chief Police Officers (ACPO) doctrine, are presented for frontline officers and staff to be applied within the parameters set by individual force policies on any given aspect. This book is to be read as a supplement to organizational policy, not in lieu of it.

It is a tribute to the expertise and dedication of the contributors that I believe they exceeded the vision for this book, and that the constituent audience has found it so useful that a second edition has been requested by the readers. I am indebted to all of them for their hard work and enthusiasm. In this second edition, my purpose has been to achieve a degree of consistency in style and approach without detracting from the individual expertise presented in each individual chapter. I hope the contributors feel that I have done them justice in this. The nature of policing is such that there is some overlap between themes but this has been kept to the minimum in order to maximize the benefit of the available word limit.

As the second edition is going to press the UK police service is undergoing significant change in its institutional and political architecture. In the 19 years since the Sheehy Inquiry (1993) there have been at least 21 White Papers, reviews and reports (both parliamentary and independent) concerning the organization of policing in England and Wales, and ten statutes that have significantly altered the architecture, delivery, and governance of policing. Nevertheless, within the context of these shifting

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constitutional and strategic sands, practice and procedure have remained relatively stable; founded, as they are, on the bedrock of procedural law. This second edition updates as necessary but retains as its premise the fundamental continuity of frontline policing practice.

I am grateful to Peter Daniell, Lucy Alexander and to the production team at Oxford University Press for their invaluable support with the second edition.

Special thanks must also go to David Johnston, Chief Superintendent of Specialist Operations, Metropolitan Police Service, for his help with updating Chapter 8, as well as Lynsey Ellis, Detective Sergeant, Rape and Serious Sexual Assault Investigation, South Yorkshire Police, for her help with updating Chapter 34.

Introduction

This book is intended primarily, but not exclusively, for officers and staff working in neighbourhood and response policing in the criminal jurisdiction of England and Wales. For the sake of editorial brevity, and certainly with no offence or disrespect intended to other officers and staff working in other aspects of policing often colloquially labelled 'specialist', the primary audience for this handbook are termed here 'frontline staff'.

It provides these colleagues with an introductory context for their daily work. The framework of this book envisages the procedural functions of policing broken down into four areas. **Evidence** and **Knowledge** are the two key asset tools with which society is policed. **Neighbourhood Policing** and **Protective Services** are the two key paradigms around which 21st century policing in England and Wales is currently structured. These elements provide the conceptual framework for this handbook.

Evidence is the cement of the criminal justice system. The integrity of the criminal justice system is founded upon the integrity of evidence, the integrity of the way in which it is gathered, and the integrity with which it is tested at trial. Evidential integrity is the guarantor of fair trial. The first section of this handbook explores various issues concerning evidence-gathering procedure.

Evidence-based strategy and policy is, by the same token, the foundation of effective policing both in terms of criminal investigation and in preserving the Queen's Peace and community safety. To avoid a labelling confusion it is better to think of this in terms of organizational knowledge. If the criminal justice system is dependent on evidence and its integrity, then policing generally is dependent upon the integrity of organizational knowledge. Where does the knowledge with which to police come from? The second section of this handbook introduces the enabling structures and principles that contribute to the establishment of the knowledge necessary for effective policing, its governance, and direction-setting. How is what is to be policed decided upon? What contextual knowledge is required?

The handbook then moves onto the two prevailing paradigms of policing in England and Wales. The historical precedent and strong political preference is for policing which is locally deliv-

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ered, and locally accountable. The 21st century sees this articulated with the relaunching of neighbourhood policing, the new specialization. Neighbourhood policing increasingly involves the wider community alongside the police service; this concept finds expression in neighbourhood policing teams. The third section of the handbook examines the mechanics of neighbourhood policing: the engagement with partner agencies; the use of knowledge to recognize emerging issues and resolve these through problem solving. It is the archetypal method of proactive policing.

Certain aspects of policing transcend and challenge the infrastructure and institutions defined by local policing boundaries. Two hundred years of episodic police force amalgamations have been one strategy to address this issue, but the logical end-game of this strategy would be a national police force: for the foreseeable future a notion beyond political acceptability in England and Wales. The paradigm of protective services encompasses those issues that operate both within and beyond neighbourhood policing. Protective services provide the conceptual framework and foundation for such large-scale cooperation by establishing the basis for common understanding amongst the family of English and Welsh forces. The fourth section of the handbook introduces the various aspects of protective service policing and how these relate to the daily work of frontline neighbourhood policing and response team staff.

Part 1—Evidence Management

Common law has established the legal concept of the best evidence rule (*Omychund v Barker* (1745) 1 Ath 21, 49; 26 ER 15, 33) in which Lord Harwicke held that no evidence was admissible unless it was ‘the best that the nature of the case will allow’. Increasingly that has come to include not only original evidence rather than copied, but also the procedural integrity of evidential acquisition and continuity. The structure of this section examines various aspects of how evidence is gathered as part of an investigation, from matters amenable to instant resolution to those involving complex planning and considerable resources.

It starts with instant resolutions: fixed penalty notices, penalty notices for disorder, and cannabis warnings which all require the recording of evidence (usually on the notice issued) to be just as

meticulous as for a murder investigation. It is not just a traffic ticket: it is the court file, the disposal, and sentence!

Scene preservation is vital, particularly in the so-called ‘golden hour’, and the flow chart approach adopted for this chapter, using specific examples, will be of particular use to first responders. It is particularly helpful in guiding staff on how best to preserve forensic evidence.

The next three sections of the chapter deal with the management of evidence gathering as prescribed by the Police and Criminal Evidence Act 1984 (PACE), much amended since first coming into force in 1986, not least with a widely expanded portfolio of Codes of Practice. Identification procedures, in particular, are crucial to effective investigation.

The Regulation of Investigatory Powers Act 2000 not only put covert investigation on a statutory basis, in compliance with the principles of the Human Rights Act 1998, but it also brought such methodology in from the cold. Much of it remains the work of specialists, but directed surveillance is a tool made available to any police staff investigating crime. Chapter 6 introduces front-line staff to the framework for covert investigation.

In a criminal justice process that privileges oral testimony at trial over other forms of evidence, the role of victims and witnesses is very significant. Chapter 7 highlights the key issues in witness management and interviewing.

Pre-trial disclosure, to minimize the number of issues contested at trial, and the protection of sensitive information are discussed in Chapter 8 before the final stage of evidence management, court procedure, is explained in Chapter 9 using a case study approach.

Part 2—Knowledge Management

If evidence is necessary for trials, knowledge is necessary for policing: intelligence-led policing (the mantra that closed the 20th century) is developing into knowledge-based policing (thus recognizing the increasing level of sophistication necessary to police the 21st century information age). To this end there is a variety of knowledge assets from which to draw upon in delivering policing services, providing a framework for professionalism and governance (Chapters 10–13), tools for policing and the preservation of life (Chapters 14–16), and contrasting procedures relating to the

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management of information either that which can be shared publicly or that which requires protection, even within the police service. In the internet age the presumption is that information will be accessible and those holding it, and particularly withholding it, must be accountable.

Part 3—Neighbourhood Policing

Of the two prevailing policing paradigms, the one with which the community will most identify is neighbourhood policing. The socio-political importance of neighbourhood policing is attested by the fact that it is the bedrock upon which successive governments' thinking about policing is built (Home Office, *Building Communities, Beating Crime: a Better Police Service for the 21st Century* Cm 6360 (TSO, London 2004); Home Office, *From the Neighbourhood to the National: Policing our Communities Together* Cm 7448 (TSO, London, 2008); Home Office, *Policing in the 21st Century: Reconnecting Police and the People* Cm 7925 (TSO, London, 2010)).

This section sets the context for, and outlines, that paradigm, explains its principles, and considers component parts and practices. Neighbourhood policing is the core tenet of British policing: locally accountable, locally delivered.

Part 4—Protective Services

Those aspects of policing which are beyond the capacity and capability of local policing, and which are outside the neighbourhood model, have been termed (in language consistent with the post-9/11 lexicon) 'protective services'. Protective services, upon which a framework for performance management and inspection is also based, comprise major crimes/homicide; serious organized and cross-border crime; counter-terrorism and extremism; civil contingencies; critical incidents; public order; and strategic roads policing (HMIC, *Closing the Gap: A Review of the Fitness for Purpose of the Current Structure of Policing in England and Wales* (TSO, London, 2005), p 15). Each of these is considered in turn and to the extent necessary to provide frontline staff with an overview and introduction relevant to their likely role in such areas of policing.

To this list has been added a further section on protecting the public and vulnerable persons, an area of work the significance of which has been increasingly recognized, particularly as an area for multi-agency partnership working. As such it is relevant both to neighbourhood policing and to protective services. Its inclusion in Part 4 is a matter of editorial management rather than a political statement.

List of Abbreviations

ACPC	area child protection committee
ACPO	Association of Chief Police Officers
ACPO CPI	ACPO Crime Prevention Initiatives Limited
ACRO	ACPO Criminal Records Office
AEP	Attenuated Energy Projectiles
ALO	Architectural Liaison Officer
AMHP	Approved Mental Health Professional
ANPR	Automatic Number Plate Recognition
ASBO	anti-social behaviour order
ASW	approved social worker
AVCIS	ACPO Vehicle Crime Intelligence Service
BCU	Basic Command Unit
BME	black and minority ethnic
BTP	British Transport Police
CAD	Communities Against Drugs
CAIU	Child Abuse Investigation Unit
CBRN	chemical, biological, radiological, or nuclear
CCTV	closed circuit television
CDRP	Crime and Disorder Reduction Partnership
CEO	Chief Executive Officer
CESG	Communications-Electronics Security Group
CHIS	covert human intelligence source
CIA	Community Impact Assessment
CICA	Criminal Injuries Compensation Authority
CJA 2003	Criminal Justice Act 2003
CJPA	Criminal Justice and Police Act 2001
CPIA	Criminal Procedure and Investigations Act 1996
CPR	cardio-pulmonary resuscitation
CPS	Crown Prosecution Service
CRR	Community Risk Register
CSI	crime scene investigator
CSM	crime scene manager
CSP	Community Safety Partnership

List of Abbreviations

CTC	counter-terrorism checks
DA	domestic abuse
DAT	Drugs Action Team
DETR	Department of the Environment, Transport and the Regions
DfT	Department for Transport
DOA	dead on arrival
DSU	Dedicated Source Unit
DV	developed vetting
DVLA	Driver and Vehicle Licensing Agency
ECHR	European Convention on Human Rights and Fundamental Freedoms 1950
EEK	early evidence kit
EFPN	Endorsable Fixed Penalty Notice
EGT	Evidence Gathering Team
EVA	Environmental Visual Audit
FCP	Forward Control Point
FIB	Force Intelligence Bureau
FIT	Forward Intelligence Team
FLINTS	Forensic Lead Intelligence System
FLO	Family Liaison Officer
FMB	Forward Media Briefing
FPN	Fixed Penalty Notice
GP	general practitioner
GPMS	Government Protective Marking Scheme
GSB	Gold, Silver, and Bronze
GSI	Government Secure Intranet
GSX	Government Secure Extranet
H-2-H	house-to-house
HATO	Highways Agency Traffic Officer
HBV	honour-based violence
HGV	heavy goods vehicle
HMI (CJ)	Her Majesty's Inspectorate (Criminal Justice)
HMIC	Her Majesty's Inspectorate of Constabulary
HOLAB	Home Office Laboratory Form
HOLMES/HOLMES2	Home Office Large and Major Enquiry System
HRA	Human Rights Act 1998
HSE	Health and Safety Executive
IAG	independent advisory group
IDVA	Independent Domestic Violence Advisers
IED	improvised explosive device

IMPACT	intelligence, management, prioritization, analysis, coordination, and tasking
IO	investigating officer
IPCC	Independent Police Complaints Commission
ISVA	Independent Sexual Violence Advisor
KIN	Key Individual Network
KINEL	Key Individual Network Extended List
LCJB	Local Criminal Justice Board
LCN	Liverpool Community Network
LRF	Local Resilience Forum
LSCB	Local Safeguarding Children Board
MAPP	Multi-agency Public Protection
MAPPA	Multi-agency Public Protection Arrangements
MAPPP	Multi-agency Public Protection Panel
MARAC	Multi-agency Risk Assessment Conference
MLO	Media Liaison Officer
NAFIS	National Automated Fingerprint Identification System
NAG	Neighbourhood Action Group
NCIS	National Criminal Intelligence Service
NCTT	National Community Tension Team
NIM	National Intelligence Model
NOS	National Occupational Standards
NPIA	National Policing Improvement Agency
NPT	Neighbourhood Policing Team
NRPP	National Reassurance Policing Programme
NSRA	National Security Risk Assessment
OCG	Organized Crime Groups
OIC	officer in charge
OSC	Office of Surveillance Commissioners
PA 1997	Police Act 1997
PACE	Police and Criminal Evidence Act 1984
PACT	Partners And Communities Together
PAS43	British Standards Institution 2006 Safe Working of Vehicle Breakdown and Recovery Operators
PATP	Pro-active Assessment and Tasking pro forma
PC	police constable
PCC	Press Complaints Commission

List of Abbreviations

PCSO	police community support officer
PDP	Potentially Dangerous Person
PII	public interest immunity
PNC	Police National Computer
PND	Penalty Notice for Disorder
PNICC	Police National Information and Co-ordination Centre
POCA	Proceeds of Crime Act 2002
POLSA	Police Search Advisor
POP	Problem-Oriented Policing
PPE	personal protective equipment
PPU	Public Protection Unit
PSD	Professional Standards Department
PSV	public service vehicle
RA	Responsible Authority
RIPA	Regulation of Investigatory Powers Act 2000
RSO	Registered Sexual Offender
RVP	Rendezvous Point
SAGE	Systematic Approach to Gathering Evidence
SARC	Sexual Assault Referral Centre
SBD	Secured by Design
SC	security clearance
SDVC	Specialist Domestic Violence Court
SEG	Special Escort Group
SI	Statutory Instrument
SIO	Senior Investigating Officer
SOCA	Serious Organised Crime Agency
SOXB Crime	Serious Organized and Cross-Border Crime
SNT	Safer Neighbourhood Team
SPOC	Single Point of Contact
SSAT	Stop and Search Action Team
SSO	serious sexual offence
STO	Specially Trained Officer
T&CG	Tasking and Coordinating Groups
TACT	Terrorism Act 2000
TRL	Transport Road Laboratory
TSG	Territorial Support Group
VAA	vulnerable adult abuse
ViSOR	database designed to hold details of all MAPPA offenders

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VOSA	Vehicle Operators Standards Agency
WORM	write once read many
YJCEA	Youth Justice and Criminal Evidence Act 1999
YOT	Youth Offending Team

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