

Extract from ACPO (2005) Core Investigative Doctrine

Investigative and Evidential Evaluation

1.0 Introduction

Material which has been gathered during an investigation should be subjected to a periodical formal evaluation. This will allow the investigator to review the progress of the investigation.

Evaluation enables investigators to 'step back' from the rush of investigative action and to consider the investigation in 'slow time'. Even though an investigation may appear to be straight forward, investigators should always be encouraged to take this step back and formally evaluate the material, exploring whether any additional lines of enquiry can be identified and ensuring that all existing lines of enquiry and investigative actions have been pursued and completed. It also allows investigators to review the actions and decisions already taken. This process of evaluation is as relevant to volume crime investigations as it is to more serious or complex investigations.

Investigators must follow a standard model of evaluation as this will enable them to become competent in its use, and allow them to evaluate material in a consistent, structured and auditable format. There are two types of formal evaluation which should be carried out during an investigation. Investigative evaluation should identify:

- What is known;
- What is not known;
- Consistencies;
- Conflicts.

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Evidential evaluation should consider:

- The overall strength of the case;
- Whether sufficient evidence exists against the offender to proceed to charge.

In practice both evaluations may be carried out more than once during an investigation using the same method, (For ease of reference these are explained together). During the early stages of an investigation a greater emphasis should be placed on investigative evaluation in order to identify a suspect. Later, and particularly during the suspect management phase of the investigation, the emphasis will shift toward ensuring that an evidentially robust case can be passed to the CPS for prosecution purposes.

In some forces an initial investigative evaluation may be carried out after the initial investigative stage by a crime evaluator. The crime evaluator will determine whether further investigation is required.

Where a large amount of material has been gathered during the investigation, an assessment should be made in a calm and structured environment. Investigators should also consider the use of analysts in serious or complex enquiries.

In all cases investigators must record the outcome of an evaluation. If it is not possible to identify further investigative action and all existing lines of enquiry have been pursued, this should be clearly recorded.

The key differences between investigative and evidential evaluation are that during an investigative evaluation, investigators are free to use **all** available material even though it may not be evidentially admissible. When carrying out an evidential evaluation, investigators need to assess

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the strength of the case, taking into account only the evidentially admissible material. [See 1.1 The Evaluation Process.](#)

1.1 The Evaluation Process

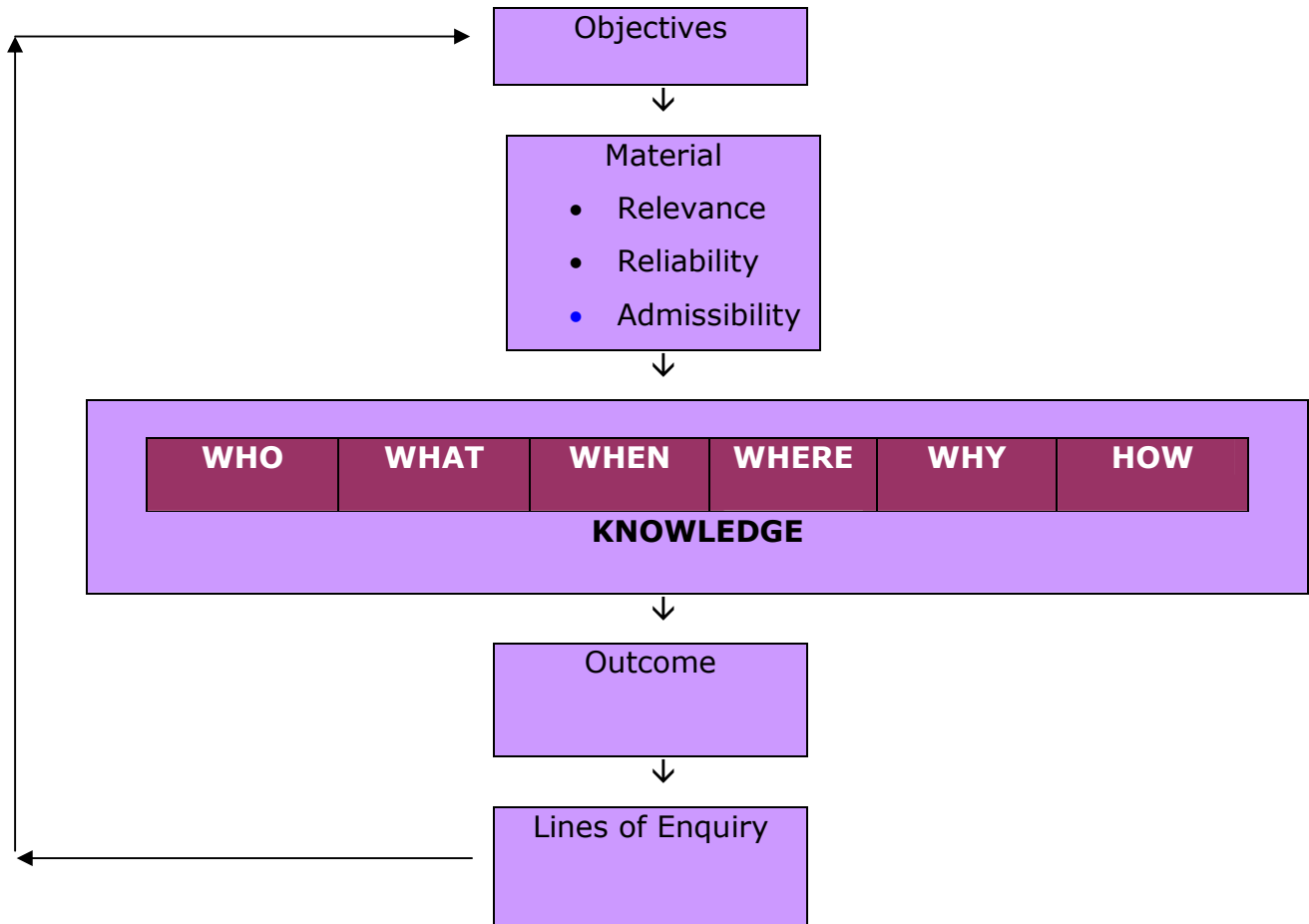
The process of evaluation advocated in this doctrine is shown at [Figure 1 Investigative and Evidential Evaluation](#). It identifies the current objective(s) of the investigation and considers the material when tested against the filters of relevance, reliability and admissibility. The material is then scrutinised in line with the objective(s), to determine what it can tell the investigator. By recording the outcome in a grid matrix, see [Figure 2 Gap Analysis Matrix](#), which is discussed in more detail at [1.4 Organising Knowledge](#), the investigator will gain an overview of the case showing the areas that require action.

The process of evaluation is explained in more detail under the headings:

- Objectives;
 - Material Filters;
 - Relevance;
 - Reliability;
- Admissibility;
- Organising Knowledge;
- Testing Interpretations;

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Figure 1 Investigative and Evidential Evaluation



1.2 OBJECTIVES

An investigator must be clear about the objective that is to be achieved when carrying out an evaluation. In the early stages of an investigation, the objectives are likely to be broad and concerned with establishing issues such as:

- Has a crime been committed?
- Who is the victim?
- Are there any witnesses?
- Where or what is the scene?
- Can a suspect be identified?
- What material can be gathered?

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As the investigation progresses, these objectives will narrow. During the course of the investigation various objectives will be achieved and not reviewed every time an investigative or evidential evaluation is carried out. For example, whether a crime has been committed and the type of crime, are likely to be established early in the investigation and the objective may narrow to questions such as:

- Can a suspect be placed at the scene at the time the crime was committed?
- Can a suspect's alibi be corroborated?

The objective will vary depending on the crime, the available material and the stage of the investigation. The evaluation process is sufficiently flexible to accommodate such changes in the objectives.

1.3 MATERIAL FILTERS

When carrying out an investigative or evidential evaluation, the relevance, reliability and admissibility of the material gathered should be established first.

Relevance

The CPIA Code of Practice states that:

Material may be relevant to an investigation if it appears to an investigator, the officer in charge of an investigation, or to the disclosure officer, that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case, unless it is incapable of having an impact on the case.

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In light of this a wide view should be taken of the term relevance and as much material as possible should be used in the evaluation process. Investigators should only exclude material as irrelevant after careful consideration or consultation with the disclosure officer (where this role is being carried out by a separate investigator) or a crown prosecutor (who has ultimate responsibility to decide what material will be used in the case). If in doubt investigators should always err on the side of caution as a decision to exclude material as irrelevant may later be called into question in any subsequent proceedings. For further information see [Part 1 of the Criminal Procedure and Investigations Act 1996](#) and the [CPS \(2004\) Joint Operational Instructions for the Disclosure of Unused Material.](#))

Reliability

Through the use of the investigative mindset, the reliability of material should already have been established. It is, however, prudent that the reliability of material should be reviewed during the evaluation process to ensure that any potential problems have not been overlooked.

Where sources of material are victims, witnesses or suspects, investigators must avoid making judgements about the reliability of the material they produce based on factors such as lifestyle, previous offending history or associates, as these may not be relevant to the investigation in hand. Such factors clearly have the potential to adversely affect the quality of the evaluation. Investigators should always look for independent corroboration of the account provided by the source, which will increase the weight that can be given to it. Where the source of material is a suspect, investigators should keep in mind the revised rules on bad character introduced by the Criminal Justice Act 2003 (CJA), whereby in certain circumstances previous offending behaviour may be relevant to the current investigation.

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If a victim or witness account cannot be independently corroborated, the prosecution or the defence may challenge the reliability of their evidence when it is presented in court. Investigators should anticipate such challenges and consider providing alternative material which may help the court to assess the reliability of the source. This may include evidence or character, or evidence that the source has been consistent in their account over a period of time.

Investigators should have a clear understanding of the impact the reliability of material may have on the investigation and the strength of the prosecution case. If they are in any doubt they should consult a crown prosecutor for advice.

A clear understanding of the reliability of the material will enable investigators to determine the weight they should give to it in the evaluation. The following may assist investigators to determine the appropriate weight a piece of material should be given:

- Material that can be corroborated by an independent source of material will have high reliability;
- Material that can only be corroborated by a person such as a spouse or other relative will have less reliability;
- Material that cannot be corroborated and conflicts with other material gathered in the investigation, will have less reliability;
- Material indicating other factors which may cast doubt on reliability of the material.

1.4 ORGANISING KNOWLEDGE

Material gathered by investigators provides them with knowledge of the incident they are investigating. This material usually consists of many types, and may include victim and witness statements, exhibits and images, intelligence reports, lists of active offenders in the area and

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forensic science reports. Investigators will gain knowledge of an offence from this material. The evaluation process will help them to organise their knowledge so that they can identify what action is needed next. How they organise this knowledge of the offence will, to a large extent, depend on the objective they are seeking to achieve.

In the first instance the objective is likely to be broad and concerned with establishing what information there is, what type of incident is being investigated, whether or not a crime has been committed and if there is a suspect. The 5WH formula (Who – What – When – Where – Why – How) has found to be a highly effective way in which investigators can organise their knowledge in the early stages of an investigation.

Identifying gaps in their knowledge of an offence and potential lines of enquiry may be a reasonably straight forward matter for the experienced investigator. Gaps may also flow naturally from the initial investigation by applying the investigative mindset.

It may not always be clear, however, exactly what the investigator is missing. By applying the 5WH formula to the material, investigators can pinpoint specific gaps in the case which may suggest potential lines of enquiry.

- **Who** are the victim(s), witnesses and suspect(s)? Is there a physical description or other evidence which may assist in identifying the suspect? Are there any characteristics of the victim which suggest a possible offender, race, age, particular vulnerabilities?
- **Where** did the offence take place? Is there evidence of selectivity? Does there appear to be an element of planning or does either the location and/or the victim appear to be random? Are there characteristics of the location that may be significant, eg, sheltered housing or vulnerable commercial premises?

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- **What** has occurred – (It is important to establish what happened. This may be immediately obvious, but in some cases the investigator will have to piece together the available material by locating witnesses, interviewing victims and suspects, developing intelligence or building reasonable hypothesis.) what was stolen? Were any tools or special techniques used?
- **When** did the offence and other significant events take place?
- **Why** was this offence committed in this location against this victim at this time?
- **How** was the offence committed? Assess the use of skills or knowledge used by the offender.

This list is not exhaustive but illustrates the way in which the material can be ordered.

[Figure 2 Gap Analysis Matrix](#) may assist investigators to organise the material available to them and identify areas which require further investigation. It will also highlight conflicts and inconsistencies in the material, thereby allowing the investigator to pre-empt any evidential problems which may arise later.

Subsequent evaluations will replace the broad objectives (eg, who, where, what) with more specific objectives, such as identifying the suspect. The way in which investigators then chose to organise their knowledge will change to match this more specific objective, eg:

- **Description** - does the individual fall within the suspect parameters?
- **Availability** – was the individual available to commit the offence within the time parameters?
- **Physical** links – can the individual be linked to the crime through articles removed from or left at the scene?

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- **Forensic** links – can the individual be linked to the crime through forensic science techniques?
- **Identification** links – can the individual be linked to the crime through victim or witness identification?
- **Intelligence** links – is there intelligence linking the individual to the crime?
- **Behavioural** links – is there anything about the individual's previous behaviour that may link them to the crime?

The factors used to organise knowledge will change depending on the objective and the unique circumstances of the crime. By organising knowledge in a rigorous and systematic fashion, investigators will ensure that they extract the optimum information from it.

FIGURE 2 Gap Analysis Matrix

	What is Known	What is not Known	Conflicts	Consistencies
WHO				
WHAT				
WHEN				
WHERE				
WHY				
HOW				

1.5 TESTING INTERPRETATION

Subjecting the material to an evaluation will identify what is known and what is not known and what is consistent in the investigation and what is inconsistent. Investigators can use this information to progress the investigation or to improve the amount of evidence available to support a charge.

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The material gathered during an investigation may be interpreted in a number of ways. If the investigative mindset has been applied rigorously throughout the investigation, the reliability of the material will already have been checked and its meaning will be as clear as possible to be at this stage. Despite these checks, it is likely that the interpretation of some material will be difficult and that the meaning placed on it by investigators may be open to challenge.

There are a number of ways in which investigators can test the validity of the interpretations they put on material.

- **Self review:** Investigators should thoroughly check their work and review any assumptions they have made during the evaluation process;
- **Peer review:** Checks by supervisors or colleagues provide a second opinion on the interpretation of material;
- **Expert Review:** Where investigators use material produced by experts such as forensic scientists, they should consult the expert to ensure that the outcome of the evaluation is consistent;
- **Formal Review:** In complex cases a formal review of the investigation can be carried out by a suitable qualified officer.

If a case is to go to charge, further checks will arise out of the crown prosecutions review of the Report to Crown Prosecutor for a Charging Decision (MG3). Early consultation with the crown prosecutor may identify and develop additional lines of enquiry and/or evidential requirements, or any pre-charge procedures. It may also assist in identifying evidentially weak cases that will not be rectified by further investigation, thereby avoiding wasting time and resources.

2. 0 Hypotheses

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Hypotheses is defined 'as a suggested explanation for a group of facts either accepted as a basis for further verification or accepted as likely to be true'.

Collins English Dictionary (2004)

Another way of describing a hypothesis is building a scenario that best explains the available material.

Hypotheses can assist investigators to progress investigations. Before deciding to use hypotheses the investigator must consider the following:

- Has all the material been gathered?
- Does the investigator understand all the material?
- Are there any lines of enquiry which have not yet been pursued and which could generate more material?
- What benefit will the use of a hypothesis bring to the investigation?

The decision to use hypotheses will depend on the amount of material available to the investigator. In general, investigators make progress because the material gathered generates actions, which in turn generates more material. This process continues until sufficient material has been obtained to identify a suspect and support a prosecution. Frequently the link between material and the action that follows is straightforward and does not require an investigator to form hypotheses.

There will be occasions, however, when the amount of material does not readily identify the action that can be taken to further the investigation. In such cases hypotheses may enable the investigator to regain the momentum of the investigation.

The investigator should apply the investigative mindset to locate, gather and use material. Once this has been done, the material should be evaluated using the investigative and evidential evaluation process. This

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will ensure that investigators fully explore the potential of all the material. It will also indicate if further action is necessary to progress the case.

Hypotheses can also be used to test if the interpretation that has been put on the material gathered is the most reasonable one. Developing alternative hypotheses from the same material may direct further enquiries that help to confirm which interpretation is likely to be true. This is not only useful during the investigation, when it will help guide the investigators decision making, but it is also a useful way of anticipating the type of interpretations that will be put on material in court.

During the early stages of a case, investigators often have little information they can be certain of. In these circumstances investigators should avoid trying to fill in any gaps in the material with hypotheses about what happened. Hypotheses that are formed from limited or uncertain information can, at best, only amount to an assumption of what may have occurred and this could be influenced by personal bias or stereotyping.

2.1 Developing Hypotheses

Before developing hypotheses, investigators must have sufficient knowledge to make valid judgements. If not, they should seek assistance from colleagues or a supervisor. In serious or complex investigations they may need to request assistance from a Behavioural Investigative Advisor from the NPIA Specialist Operations Centre.

Hypotheses should have a specific objective based on the gap or the conflict in evidence, eg, how did the victim get from home to the scene?

All material relevant to an investigation should be considered and any assumptions or inferences that are made during this process should be explicitly recorded. A hypothesis should be a reasonable interpretation of

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the material available and should offer the most logical, explanation of the facts as they are known. It is likely, however, that there will be no single most logical explanation, but rather a series of hypotheses, each of which offers an alternative explanation.

Hypotheses are generally improved if they draw on the knowledge of those who have experience in the relevant area.

During the investigation of a burglary a suspect is arrested as a result of fingerprint identification. The suspect answers no questions during interview and is charged with the offence. A search of his home at the time of arrest fails to locate the jewellery stolen during the burglary. There is a good description of the jewellery and it should be relatively easy to identify. There is no specific information as to where the jewellery might be and the investigator decides to develop a number of hypotheses as to where material relating to the disposal of the jewellery may be found. These hypotheses may indicate that the suspect:

- Sold the jewellery to a third party;
- Hid it in an as yet undisclosed place;
- Disposed of it by other means (eg, has thrown it away, traded it or broken it down to make different items);
- Did not commit the burglary alone, or;
- That the victim is exaggerating their loss.

The investigator is seeking to identify additional material or intelligence which would locate the missing jewellery and/ or link the suspect or a third party to its disposal.

The above scenarios will generate several potential lines of enquiry which will require further investigation (eg, enquiries with relatives or associates, visits to second hand dealers or jewellers, tasking CHIS and/or accessing intelligence systems), and which may or may not

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identify additional material to assist the investigation.

2.2 Testing Hypotheses

The purpose of developing hypotheses is to enable investigators to seek further material or to test an interpretation put on material. By acquiring further material one particular hypothesis may be shown to be correct.

The material gathered as a consequence of a single hypothesis can provide positive reasons to discount all others. In the previous example, in [2.1 Developing Hypotheses](#), confirmation that the jewellery was sold in the car boot sale will discount all of the other hypotheses. In other cases it might be possible to discount a single hypothesis without establishing how the jewellery was disposed of. For example, if all of the second hand dealers have credible records and CCTV which does not show the offender selling the jewellery, this method of disposal can be discounted. This does not, however, explain how the jewellery was disposed of, but may at least discount one explanation and allow effort to be focused elsewhere.

Making judgements about hypotheses can be difficult. The decision that the local second hand-dealers were not used to dispose of the jewellery relies on the records they keep. There could be another method of disposal that the investigator did not think of. For this reason, hypotheses should only be used when absolutely necessary. They should be based on known facts and stated assumptions, and should only be made by those with knowledge of the relevant risks. They should be constantly reviewed and where they concern a vital element of the investigation must be thoroughly and regularly reviewed by an independent investigator, or a supervisor.

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Checklist: Building Hypotheses

Considerations that have to be met when building hypotheses:

- Ensuring a thorough understanding of the relevance and reliability of all material gathered;
- Ensuring that the investigative and evidential test has been applied to all the material gathered in the investigation;
- Ensuring there is sufficient knowledge of the subject matter to interpret the material correctly;
- Defining a clear objective for the hypothesis;
- Developing hypotheses that 'best fit' with the known material;
- Consulting with colleagues and experts to formulate hypotheses;
- Ensuring sufficient resources are available to develop or test the hypotheses;
- Ensuring that hypotheses building is proportionate to the seriousness of the offence.

3.0 Decision Support

Support for investigators is available both internally and externally to the Police Service. Supervisors and mentors, colleagues, accident investigators, crime scene examiners, managers, interviewers and interview advisors are all internal sources. Forensic science staff and scientists are examples of external sources.

Force crime review teams can provide information and circulate good practice in person to individuals, and throughout the organisation to assist with informed decision making.

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Support for investigation decision making is also available from the NPIA Specialist Operations Centre which provides access to investigative data and expert advice. It also provides personal support and advice to investigators, including advice and guidance in serious crime investigations, such as murder, rape, abduction, and series sex offences. This support and advice is provided via a 24 hour helpdesk.

Additional Support

Specialist Operations Centre (SOC) provides a single point of contact for police forces and key partners requesting information, advice or support in relations to covert techniques, major crime, critical incidents and uniform operations. SOC provides the following:

- Advice on the lawful and effective use of covert techniques. This team provides, on behalf of ACPO, a single source of advice on the lawful and effective use of covert techniques and strategies. This advice has a particular focus on legislation, case law, national policy and good practice.
- Advice from, and if required access to, the deployable resources of the Crime and Uniform Operational Support teams regarding:
 - the investigation of murder, no body murder, rape, abduction, suspicious missing persons, and series sexual offences;
 - advising on and sourcing external expertise to an investigation via the NPIA Expert Advisers Database;
 - public order, operational planning and the policing of major incidents;
 - disaster management debriefing and the police use of firearms.
- Information on the NPIA Practice Improvement Unit (Publications and Assisted Implementation).

Crime Operational Support (COS) – teams of experts can deliver tailored advice to senior investigating officers dealing with serious crime

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investigations including murder, rape, series and serious sexual offences, abduction, suspicious missing persons and no body murder investigations (though other cases may be considered). The support may include some of the following:

- **Regional Advisers (RAs)** can, at the SIO's request, offer strategic and tactical advice, and practical support to investigators of serious and series crimes, and other complex enquiries including cross-border and high-profile cases. They identify good practice through review teams and investigation debriefs.
- **Crime Investigation Support Officers (CISOs)** provide tactical advice and guidance with knowledge of, and access to, the whole range of NPIA support services and products. They also provide out-of-hours access to the Specialist Operations Centre's Expert Advisers Database.
- The **National Search Adviser** has a national remit to provide operational support to forces and relevant agencies in relation to search matters which are crime linked.
- The **National Interview Adviser** is available in cases which are complex due to multiple suspects or where witness testimony is likely to be the key. The adviser can provide advice and guidance on all aspects of interviewing suspects, victims and witnesses. The adviser works closely with SIOs, investigating officers and interviewing officers to develop bespoke interview strategies.
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- The **National Family Liaison Adviser** may be beneficial in complex investigations where there are suspects within the family or other sensitivities exist.
- **Behavioural Investigative Advisers (BIAs)** provide a range of

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investigative support and advice that draws on behavioural science principles, theories and research. BIAs can help with examining and developing hypotheses. Informing decision making and providing theoretical and empirical considerations at each stage of the enquiry.

Uniform Operational Support provides support and advice in relation to specialist areas of uniform operational policing. The operational support (eg, planning and debriefs) includes uniform policing of incidents and events. It can offer a rapid response for the Police Service to both national and international pre-planned and spontaneous events in the areas of public order, police use of firearms and disaster/incident management.

POLKA – The Police Online Knowledge Area (POLKA) is an online collaboration platform provided by the NPIA for its staff and wider policing community. It offers a new, efficient way of working that simplifies the sharing of knowledge and practice. Groups of users, known as communities, can share, discuss and collaborate on a variety of information or documents through a range of technologies such as blogs, discussion forums and document libraries. <https://polka.pnn.police.uk/en/System/Not-member/?returnUrl=https://polka.pnn.police.uk/>

National Policing Improvement Agency, Research, Analysis and Information Unit (RAIU) - RAIU works in conjunction with a number of units across the NPIA, the Home Office and ACPO. The Unit has an ongoing research programme which aims to identify and conduct research that will help to improve policing in the UK. Part of this programme of research focuses on undertaking projects to help improve the ability of the Police Service to deal with problems associated with investigating crime. The results of the research are distributed to the Police Service through NPIA publications. In addition, the RAIU can provide information on existing literature that might be helpful to forces.