



Ministry of the Interior
Republic of Iraq

STANDARD OPERATING PROCEDURES FOR CRIMINAL INVESTIGATIONS

2019

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Foreword

The Standard Operating Procedures for Criminal Investigations shall serve as a supportive document for criminal investigators for the conduct of their tasks and enhance their capacity to solve crimes as reported by the police stations, anti-crime offices, and counter organised crime sections. Thus, the SOP shall become a trusted instrument that adds value to the judiciary.

Being committed to follow this SOP will enhance our national security status both directly and indirectly by countering all types of crime. Such a response from the police will also be well noted by the public. The Ministry of the Interior highly recognises the importance of public trust in police conduct which entails the cooperation of citizens by providing information to solve crimes.

To this end, the Ministry of the Interior will conduct training courses for our police service from all specialisations including on first response to crime scenes, on how to secure evidence, support victims and identify witnesses until crime scene experts and investigators arrive.

This criminal investigations SOP was developed, in coordination with the Higher Judicial Council and the Ministry of Justice, by the MOI Criminal Justice Committee which consists of well qualified investigation officers including Major General Ziad Taha Ali, the Director General of Training and Qualifications, Major General Talib Khalil Raahi, Director General of the Criminal Forensics Directorate, and Brigadier Jabbar Jalood Salih, Director of Information Technology, to advance competent and efficient criminal investigations in a unified criminal justice approach.

I would like to seize this opportunity to thank the Higher Judicial Council, the Ministry of Justice and UNDP Iraq for providing advice and assistance for the development of this document and hope that our officers and supporting agencies will make full use of it by working according to its provisions.

Baghdad, 18th March 2019

Dr Aqeel Mahmoud Al-Khazaali
Senior Deputy Minister
Ministry of the Interior

CHAPTER I. GENERAL PRINCIPLES OF INVESTIGATIONS AND DEFINITIONS

Article 1. Purpose

(1) The standard operating procedure¹ for criminal investigations is designed to provide a baseline rulebook for the Ministry of the Interior to conduct reliable criminal investigations. As such it is intended to provide a common approach but should be applied to fit the circumstances of each case.

(2) This standard operating procedure lays down specific duties of police departments for the main phases of investigations notwithstanding the competence of investigating judges to instruct the police to expand or redirect criminal investigations in accordance with the Criminal Procedure Code.

Article 2. Investigating Police Departments

(1) The default investigating departments of the Ministry of the Interior are the local police with its police stations and the offices of the Anti-Crime Section. They are supported by the Forensic Evidence Directorate with its forensic laboratories and the Patrol Police as operation room managers and regular first responders at crime scenes. The offences under the Penal Code and penal provisions found in other statutes are investigated by the Anti-Crime Section and the police stations. Among them the Anti-Crime Section processes cases which require more extensive investigations and leaves the remaining less complicated cases to the police stations.

(2) There are further departments which conduct specialised investigations. The Federal Investigation and Intelligence Agency is the specialised entity that investigates serious and organised crimes, and terrorist offences. The Anti-Narcotics Directorate investigates trade and consumption of illegal drugs.

Article 3. Diversity and Gender

To meet the demands of investigating effectively the police must be able to understand victims, witnesses, suspects and the environments in which they live. As such it is essential to have a diverse police service that is representative of the Iraqi society. This includes having sufficient numbers of female police investigators able to interact with the population in given police districts, thereby adding access points to communities, victims, witnesses and suspects, and able to take up leads in investigations that male policemen may otherwise miss or not have access to.

Article 4. Definition of Investigation

(1) Investigation is the collection of facts to accomplish the following main aims:

1. to determine whether a crime has been committed;
2. to obtain information and evidence to identify the suspect;
3. to locate and arrest the suspect;
4. to present a case with compelling evidence to the investigating judge.

(2) In the performance of his duties, the investigator must seek to establish the six (6) cardinal points of investigation, namely:

1. what specific offence has been committed;
2. how the offence was committed;
3. who committed it;
4. where the offence was committed;
5. when it was committed; and
6. why it was committed (the motive).

¹ The literal translation from Arabic would be “standard operating *regulation*”. In the translation “standard operating *procedure*” (or “SOP”) is used instead as a more familiar terminology and abbreviation in English.

Article 5. Other Definitions

The terms used in this Standard Operating Procedure mean as follows:

1. Subpoena: is a court order for the summoning of witnesses or the submission of evidence, as records or documents, before a court.
2. Evidence: is any exhibit or testimony that is sought to be presented for proving a crime.
3. Fact: is a thing that is known and beyond doubt or has been proven to be true.
4. Investigator: is a police officer who leads all aspects of a crime investigation.
5. Judicial Investigator: is an employee appointed by the Higher judicial Council who performs tasks assigned by an investigating judge.
6. Crime Scene: is the place where a crime has been committed and forensic evidence may be gathered, this may include the body and clothes of victim and suspect and any tools that may have been utilised in the crime.
7. First Responder: is any policeman first arriving at a crime scene seeking to preserve evidence.
8. A Lead: is not evidence but information that can provide a basis for searching other evidence or give reason for asking different questions to a witness and suspect, or redirects investigations to find evidence.
9. Suspect: is a person thought, but not proven, to be guilty of a crime and who is under investigation.
10. Warrant: is a document issued by an investigating judge authorising the police to make an arrest, search premises, or carry out some other action relating to the administration of justice.
11. The Accused: in this SOP is used as synonym for "suspect".
12. Crime Scene Technician: is a person usually arriving after a first responder to a crime scene to identify, document, collect and package evidence or samples thereof and transport those for laboratory analysis.
13. CPC: is the Criminal Procedure Code of Iraq.
14. Investigating Judge: is a judge who carries out pre-trial investigations into allegations of crime.
15. Chain of Custody of the evidence: is the chronological documentation that records the contact with physical and digital evidence from the time of collection at the crime scene, transport, forensic examinations and conveyance to the court.
16. Forensic Expert: is someone who analyses scientific evidence during an investigation and submits an opinion or testifies as an expert witness in hearings and/or trial.
17. Operations Room: is a place from which crime incident operations of police are monitored and controlled; in Iraq to be accessed by the public under telephone number 104.

Article 6. Authority to Investigate by the Territorial Unit Concerned

(1) The office of the Anti-Crime Section, the Police Station, or office of FIIA, which has police authority over the territory where the crime incident was committed, shall immediately undertake the necessary investigation and processing of any crime scene, unless otherwise directed by higher police authorities for a case to be investigated by other units/agencies.

NOTE: Unless an order is given by a higher police authority the investigating police department shall not relinquish responsibility to investigate a crime that occurred in its territory to other agencies. The Police Station must assert its territorial authority over other agencies and inform Police Operations Room that other agencies also proclaim control over the crime scene.

(2) The role of various police departments, as laid down in this SOP, shall be to initiate all their tasks independently as required in the cases assigned to them, i.e. as being their responsibility and out of their own, unprompted initiative unless the investigating judge provides specific orders to expand, redirect or limit the investigations.

Article 7. Methods of an Investigator in Gathering Facts

The following methods are used for fact gathering:

1. Witness depositions – Data gathered by an investigator from other persons including the victim himself.
2. Data gathered from public records, private records; and technical devices and databases.
3. Interview – Questioning of witnesses and suspects.
4. Forensic Examinations – Scientific examination of obtained evidence, application of instruments and methods of science in detecting crime.
5. Observations – Physical observation or through devices. Persons who conduct observations become witnesses.

Article 8. Objectives and Phases of Investigations

(1) The main objective of a police investigator is to gather all facts in order to:

1. Identify the suspect/s through (1) Information provided by the suspect; also by admissions and confessions; (2) eyewitness testimony, (3) real and circumstantial evidence; and (4) other information and intelligence gathered;
2. Locate and apprehend suspect/s; and
3. Gather evidence to establish the guilt or innocence of the accused and present the evidence before the investigating judge.

(2) In less complex cases the objectives 1. to 3. may also constitute the main phases of an investigation.

NOTE: In proving the guilt of the accused in court, the fact of the existence of the crime must be established; the accused must be identified and associated with the crime scene; competent and credible witnesses should be sought; and the physical evidence must be appropriately identified. The investigator must know the elements of a specific crime for which he gathers the evidence.

Article 9. Standard Methods of Recording Investigative Data

Investigative data may be recorded, among many others, with the following methods, or represent evidence or records of investigative value:

1. Photographs;
2. Footage gathered from security cameras;
3. Mobile phone records;
4. Sketches of crime scenes;
5. Written notes on what you have seen or observed;
6. Bank statements;
7. Records on credit card usage;
8. Records on internet usage;
9. Developing and lifting fingerprints found at the crime scene;
10. Physical evidence;
11. Plaster cast;
12. Tape recording of sounds;
13. Video tape recording of objects; and
14. Written statements of suspects and witnesses.

Article 10. Crime Scene Processing

Crime scene search entails the following procedures:

1. Processing and Securing a Crime Scene – Processing a crime scene includes the application of diligent and careful methods by an investigator/policeman to recognise, identify, preserve and collect fact and items of evidentiary value that may assist in reconstructing what occurred. The crime scene is the place where the crime occurred and the surrounding area where traces of the crime can be found. The processing of the area at the scene includes all direct traces of the crime. This is determined by the type of crime committed and the place where the act occurred.

2. Protecting the Crime Scene and the Evidence – Successful crimes scene processing depends upon the policeman's or investigator's skill in recognising and collecting facts and items of value as evidence, and upon his ability to protect, preserve, and later, to present these in a logical manner. This requires making careful and detailed notes and sketches; written statements and transcribing verbal statements of witnesses, suspects, and marking & preservation of collected physical objects of evidentiary nature.

3. Laboratory examination - Objects and substances usually gathered at the crime scene are examined. Objects and substances needing examination in some cases are carried, visibly or not, by suspects from the crime scene. In such cases also the suspect contains traces of his criminal actions and thus he himself constitutes another crime scene that requires examination.

Article 11. Case File

(1) The police must hold a record to register every procedure being taken during the process of criminal investigation. The record must be made simultaneously as the procedure is conducted. If circumstances do not permit simultaneous recording, they shall register the procedure as soon as possible.

(2) The police must produce before the investigating judge the written record or any procedure it has taken, including the execution of an order or warrant.

(3) The written record must include:

- a) Full name who conducted the procedure.
- b) Place at which the procedure was taken.
- c) Time and date during which the procedure was started and concluded in addition to any breaks that may happen during the execution of the procedure.
- d) Names of the persons present, their mothers' names and their status.
- e) Name of the suspect in the criminal case.
- f) Case number.

(4) In case of seizing materials or documents at the time of executing the procedure, this should be noted in the record and the seized materials must be enclosed with the record in addition to specifying the place where the materials have been secured.

(5) The record must include relevant information related to the nature of the procedure or information for identifying specific materials (such as description, dimension/sizes of the materials or lifted remains, or posting labels on the materials).

(6) Any diagrams, drawings, samples, photos, films or any other technical recordings must be enclosed with the record.

(7) The record must be updated without deleting or amending any of its previous statements. If, however, corrections are done, a notice must be included in the record with name of the person who made the change, date and time.

NOTE: Considering the mass of details and the number of cases which in some instances an investigator is handling, it is possible that he might forget some details. Many of the details associated with the investigation, while not essential to the report, might become points of interest to the court when the case is brought to trial. Experienced investigators use a notebook, which is part of the case file, to record the relevant details of the case. During trial, the court allows investigators to consult their notes to refresh their memory.

The data of the investigation should be recorded in a complete, accurate and legible fashion so that in the event another investigator is required to assume responsibility for the investigation, he can make intelligent use of the notebook.

Article 12. The Official Police Ledger

(1) A Police Ledger is a logbook with hard-bound cover that contains the daily register of all crime incident reports, official summary of arrests, and other significant events reported in a police station.

(2) As a general rule, all crime incidents and information that a crime may have occurred must be recorded in the official police ledger, regardless whether or not they are reported by a complainant, knowledge on a possible crime gathered through intelligence (information) gathering or a policeman witnessed the crime.

(3) A separate Police Ledger, however, shall be maintained for offences requiring confidentiality like violence against women and children and those cases involving a juvenile in conflict with the law to protect their privacy.

(4) The duty desk police officer shall record the nature of the incident in the police ledger on the six questions (who, what, where, when, why and how) and inform his superior officer or the duty officer regarding the occurrence of such incident.

(5) In answering the above six questions and the case disposition, all such material details about the incident, including the nature of the action or offence; the Date, Time, and Place of Occurrence; the

names of the suspect/s, the victim/s, the witness/es, if any; facts of the case; significant circumstances that aggravate or mitigate the event or the crime should be entered along with the identity of the officer to whom the case is assigned (Investigator-on-case); and, the status of the case.

CHAPTER II. THE OPERATIONS ROOM

Article 13. Receipt of Call-ins and Walk-ins from Witnesses or Complainants

Upon receipt of call-in or walk-in complaints, the Duty Desk Officer in the Operations Room shall:

1. Record the time an incident was reported;
2. Get the identity of the caller/complainant;
3. Get the place of the incident;
4. Get the nature of the incident;
5. Get the number and condition of victim/s;
6. Get a description of the suspect; and
7. Record a brief synopsis of the incident.

Article 14. Coordination of Response Actions

(1) The Duty Desk Officer of the Operation Room shall coordinate the initial actions following the receipt of information on the crime incident. The desk officer shall:

1. Alert first aid providers and hospitals when needed;
2. Direct the nearest patrol police unit (with police cordon equipped) or another closer mobile police unit to act as first responders to secure the place of incident; and
3. Alert the criminal investigator and crime scene technicians.

(2) The Operation Room shall inform the criminal investigators of the apparently responsible department on the incident. If it is not obvious which department shall lead the investigations, the criminal investigators of the police station nearest to the crime scene shall be contacted to initiate the necessary investigative actions.

(3) The Operation Room is responsible for alerting units that secure the wider crime scene (i.e. the second cordon or measures with similar effect) and crime scene technicians when, according to the information on the incident received it is obvious that they are needed, or so instructed by the patrol police or a criminal investigator.

(4) In case of a major incident with many victims in ongoing or imminent danger, the Operation Room shall trigger the alert to have appropriate reinforcements and incident command structures mobilised.

Article 15. Tape-recording of Call-ins

Whenever the equipment is available, emergency call-ins shall be tape-recorded, and the tape made available to the crime investigator.

CHAPTER III. THE FIRST RESPONDER

Article 16. The First Policeman at the Crime Scene

(1) Any policeman closest to the crime scene or most readily available to reach the crime scene must proceed to the crime scene to validate the information on the crime incident. Any policeman first arriving at a crime scene, regardless of rank, shall act as first responder. If several policemen arrive

around the same time, the highest-ranking policeman shall be in charge. Any later arriving or back up policemen arriving thereafter shall support the first responder until completion of provision of first response.

(2) The first responder's duty is to save lives and the instant preservation of the crime scene to his best abilities since it may be in danger to be tampered with by the perpetrator of the crime to destroy evidence, or by others who intend to enter the scene.

Article 17. Duties of First Responders

The policeman acting as First Responder shall perform the following specific duties:

1. Check whether the situation still poses imminent danger and call for back up if necessary;
2. Record the exact time of arrival and all pertinent data regarding the incident in his issued pocket notebook (or alternatively any other notebook) and notify the Police Operations Room;
3. Take responsibility to have the wounded evacuated to the nearest hospital using emergency services, or if necessary, with the use of bystanders, or, if no other means are available, do it themselves;

a) If in serious condition

- i. Bring the victim immediately to the nearest hospital using emergency services;
- ii. Photograph and make a sketch of the victim (if the victim is dead);
- iii. Get the dying declaration; if necessary (ask 3 questions)
 - (a) What is your name and address?
 - (b) Do you know who did this to you?
 - (c) What happened?

If there is still a chance to ask more questions, then follow-up should be done. The statement, once reduced into writing, shall be duly signed by or with thumb mark of the victim.

b) If not in serious condition

- i. Bring the victim immediately to the nearest hospital using emergency services;
- ii. Get the identity and other data of the victim;
- iii. Conduct initial interview of the victim.

NOTE: Other members of the first responders shall remain at the crime scene to secure the premises. If there are no other first responders, call Police Operation Room for back up while he/she completes his duty to look after the wounded.

4. Identify suspects if around or were caught red-handed, arrest the suspect/s if he is or might be fleeing, make appropriate notification for search and arrest operations; record everything.

If the suspect is arrested at or near the scene,

- a) Get the names of the persons who turned-over or arrested the suspect.
- b) Isolate the arrested suspect/s and separate them from any probable witness of the incident.
- c) Record what time the suspect was arrested.
- d) Wait for the investigator to interview the suspect.

- e) If the suspect volunteers any statement, take note of the time, location, circumstances and content of the statements.
- 5. Cordon off the area and secure the crime scene with police cordon tape or whatever available material like ropes, straws, cars or humans as barricade to preserve its integrity;
- 6. Identify possible witnesses, conduct short preliminary interview and ensure their availability for the incoming investigator-on-case; record everything in notebook;
- 7. Account for the killed, wounded and arrested persons for proper disposition;
- 8. Conduct initial investigation;
- 9. Brief the investigator-on-case and crime scene technicians upon their arrival and turn over the crime scene; and
- 10. Conduct initial inventory on the evidence present at the crime scene.

Article 18. Second Cordon and Support to Crime Scene Technicians

Whenever appropriate, a second cordon, or measures with similar effect, shall be set up around the crime scene by police units that originally acted as first responders or by another subsequently arriving police unit (such as from the patrol police or local police). This police unit shall:

- 1. Guard the wider crime scene with a second cordon (or otherwise controlling access to the wider crime scene area);
- 2. Establish a command post in the immediate vicinity of the crime scene;
- 3. Designate a holding area in the immediate vicinity of the crime scene for the media, VIPs and other personalities present or expected to arrive (if this responsibility is not already assumed by other police units);
- 4. Limit access to the crime scene only to those who are essential for the conduct of investigations (i.e. crime scene technicians, the lead investigator) to reduce crime scene contamination (this may necessitate the prevention of other policemen, including more senior police officers, and any other persons from entering the crime scene).

CHAPTER IV. ARREST AND SUMMONS

Article 19. Arrest without Arrest Warrant and Initial Investigation of Suspect

(1) Any person, including policemen, may arrest without warrant another person if the arresting person has reasonable grounds that a crime is being committed before him or has just been committed.

Article 20. Arrest Warrant

In cases in which the circumstances do not permit an arrest by the police without warrant, the investigator may seek an arrest warrant issued by an investigating judge at a point when an arrest may be advantageous for his investigations. The investigator shall actively seek an arrest warrant from the investigating judge only when the following conditions are met:

1. If the police have significant suspicion that an offence has been committed by the suspect. Significant suspicion requires, at a minimum, evidence in the form of a statement of a person having been a witness to the crime (direct witness) or availability of other substantive and credible evidence. Hearsay accusations (i.e. someone heard that someone committed a crime) or leads shall be considered unsubstantiated and as such not meeting the requirement of significant suspicion.
2. In addition to significant suspicion against the suspect must be cause for arrest. Cause for arrest can be assumed if the suspect's conduct, as observed by the police, gives rise to one of three risks:
 - a) The suspect has fled or is hiding or, considering the circumstances of the individual case, there is a risk that the accused will evade the criminal proceedings (risk of absconding); or
 - b) There is a risk that the suspect will destroy, alter, remove, suppress or falsify material evidence; or improperly influence suspected accomplices, victims, witnesses, or experts; or cause others to do so; and therefore, the danger exists that establishment of the truth will be made more difficult (risk of tampering with evidence); or
 - c) There is a risk that the suspect will commit further serious criminal offences of a similar nature or will continue the criminal offence prior to final conviction, and detention is required to avert the imminent danger (risk of repetition of crime).

Article 21. Proportionality for Seeking Arrest

Arrest may not be sought if it is disproportionate to the significance of the case or to the penalty likely to be imposed if the suspect were found guilty by a court.

Article 22. Bail to dispel Risk of Absconding; Diminished Suspicion

(1) The investigator shall inform a suspect arrested for risk of absconding as cause that his detention may be dispelled after providing a surety in accordance with a decision sought from an investigating judge.

(2) The investigator shall seek release of a suspect, who is detained based on a decision on remand by an investigating judge, when in the course of the investigations the suspicion against the detained suspect is significantly diminished.

Article 23. Summons to Suspect or Witness

(1) The head of the police station may issue a summons to a suspect or to a witness or to anyone connected with the case in accordance with Article 87 CPC. There should be two copies of the document on which are recorded the person issuing the summons and the person summoned, whether the person is summoned as a witness or suspect, along with their place of residence, the time and place, the type of offence being investigated, and the legal section of the penal code or other law on which it is based.

(2) If the person does not attend after being summoned to the police station, the investigator may consider applying to the investigating judge for an arrest warrant if the investigator determined that the requirements for the warrant are met.

(3) If a witness attends a police station for interview and during the interview suspicion arises that the interviewee may have committed a crime, the interviewee must immediately be informed that he is now to be interviewed as a suspect. The change of character of the interview and status of the interviewee, including his caution, must immediately be recorded.

(4) If the suspect or witness complies with the summons (without a prior arrest warrant been issued) by attending for interview, or otherwise voluntarily visits the police station, he remains free to leave the place at any time. If during the interview significant suspicion arises against the summoned interviewee that he had committed a crime and if the investigator considers that the other requirements for issuance of an arrest warrants are met, the investigator shall immediately inform the investigating judge and seek the warrant. The police shall only prevent the summoned person from leaving the police station or at a later point arrest the summoned person after an arrest warrant has been issued by the investigating judge.

NOTE: The power to arrest only lies with the investigating judge (Article 92 CPC) with the exception for the police when suspects are met red-handed while committing a crime according to Article 102 CPC and under some other restrictive circumstances according to Article 103 CPC. Pursuant to Article 87 CPC the commander of a police station has the power to summons witnesses and suspects. However, the CPC does not provide the police with an enforcement mechanism for the summons, following the principle that the power of arrest only lies with the judge.

The availability of “significant suspicion” shall steer the police to seek arrest only when it is advantageous for the course for their investigations and when the investigations are advanced enough to limit the risk of detaining innocent people. The investigator shall not mechanically seek arrest whenever a suspect is identified but shall consider when arrest it is most advantageous for conducting interviews with the suspect. Instead of seeking an arrest, the investigator may summons the suspect and persuade the suspect to follow the summons reminding him that he may also obtain an arrest warrant from an investigating judge if the suspect does not attend the police station voluntarily. Instead of arrest or summons the investigator also may continue interviewing witnesses and following other leads to gather evidence until the point when substantive evidence for an arrest has been produced.

Article 24. Initial Procedures following an Arrest

The policeman carrying out an arrest shall adhere to the following initial procedures when an arrest of a suspect is made:

1. Secure the person arrested (if necessary with handcuff at the back);
2. Inform the arrested person on the cause of his arrest;
3. Search suspect thoroughly for weapons and other illegal materials;
4. Use only reasonable force in making arrest or supporting the arrest making;
5. Confiscate crime-related evidence, and document and mark the evidence properly;
6. If the policeman is an investigator, conduct preliminary interview of the suspect; If the policeman is not an investigator (he is the first responder or another policeman), he may ask initial questions, if possible record prompted and unprompted statements, and guard the arrested suspect so that an investigator could preliminarily interview him near or close to the scene;
7. Bring the arrested person to the Police Station for initial investigations.

Article 25. Right to Have a Relative or Friend Informed of the Arrest

(1) Any person arrested and held in custody at a police station or other police detention premises may have a relative or friend informed by a phone call by a policeman or the detainee himself of this whereabouts as soon as practicable. If the person cannot be contacted the detainee may choose up to two alternatives. If they cannot be contacted, the person in charge of detention or the investigation has discretion to allow further attempts until the whereabouts of the detainee has been conveyed.

(2) The above right may be exercised each time a detainee is taken to another police station or another detention facility.

(3) The investigator may authorise to delay informing the suspect's whereabouts to a relative or friend if telling the named person of the arrest will likely

- a) Lead to interference with evidence or injury of another person, or
- b) Lead to alerting suspected accomplices not yet arrested for the offence.

(4) If a delay is authorised, the detained suspect shall be immediately told the reason and this reason shall be noted in the suspect's case file.

(5) If a relative or friend enquires about the detainee's whereabouts, this information shall be given to them by the police if the suspect agrees.

Article 26. Access of Defence Lawyer to Detained Client and Case File

(1) The person arrested and held in custody at a police station or other detention premises is entitled, upon request, to consult privately a lawyer of his choice at any time.

(2) A lawyer arriving at a police station or other detention facility is not required to show approval or confirmation by any institution for representing his client; he only requires authorisation by the detained client to be given during the first visit or acts on the basis of another pre-existing authorisation.

(3) The time when (a) the request was made, (b) the lawyer contacted by the police or the suspect and (c) the lawyer arriving at the police station or other detention facility and (d) the time he actually speaks to the detained suspect shall be recorded in the suspect's case file.

(4) The lawyer shall be enabled to speak to the detained suspect in private and confidentiality.

(5) After an arrest the defence lawyer shall have unrestricted access to the suspect's full investigation and custody case files. The police station or other relevant police department shall give the defence lawyer the opportunity to examine the records and make copies thereof.

Article 27. Medical Examinations

Immediately after arrest a detainee shall be assessed by a policeman or a medical examiner as to his health and existing injuries, and the findings recorded. The detention facility shall ensure that the detainee receives appropriate clinical attention if he appears to be suffering from physical illness or mental disorder. All examinations and findings shall be fully recorded, and the records made accessible to the investigating judge, prosecutor and the detainee's defence lawyer.

NOTE: A detainee shall be examined to record his pre-existing health conditions upon his arrival and, when necessary, be treated by a medical professional provided by the State. The medical assessment follows the duty of care by the police station or other detention facility but also to protect the police as crime investigators against false accusations of torture and mistreatment by suspects before courts.

CHAPTER V. THE CRIME SCENE TECHNICIANS

Article 28. Principles of Crime Scene Searches

The crime scene shall be identified and examined by crime scene technicians to determine where the crime was committed and the conditions of victim and suspect. The crime scene technicians shall uphold the following principles:

1. **Expeditious search:** Searching shall be conducted by moving quickly to the crime scene. Delays lead to loss of evidence and traces by natural factors such as wind, rain, sun, or by people who disturb the scene.

2. Maintenance of the crime scene: The crime scene technician must take precautions to maintain the crime scene exactly how the criminal left it and record how and whoever makes any change. For example, if a body was moved from its location, he must search for possible reasons and identify the original location of the body.
3. Description of crime scene: When the crime scene technician arrives at the scene he must describe it accurately and thoroughly as follows:
 - a. Written description: The crime scene technician should avoid vague terms in his description, begin with a general outline followed with details. The technician shall record and describe all traces and items.
 - b. Photograph: It completes the written description, such as car crashes and fire.
 - c. Sketch-map: The technicians shall make a sketch of the crime scene. It is particularly important in collisions, fire, killing or theft. The court's verdict can depend on sketches of crime scenes as they may tell positions of bodies and other items more accurately.
 - d. Conclusion and reasoning: The technicians shall not only describe, photograph, or draw sketches of crime scenes but must draw conclusions from the work at the crime scene. He must record how the criminal entered and exited the scene and the means of committing the crime. The crime scene technician should make written notes at the scene lest he forgets things related to the crime or characteristics of the offender.

Article 29. The Team of Crime Scene Technicians: Organisation and Equipment

(1) The lead investigator shall be supported by a Unit of Crime Scene Technicians regularly composed of:

1. Crime Scene expert;
2. Fingerprint practitioner;
3. Crime Scene Photographer; and
4. Vehicle driver

The composition may be changed, adapted to circumstances and other crime scene technicians and specialist forensic experts added if required by a crime scene but, in any case, the four main functions of the four unit members must always be carried out.

(2) All investigators and Crime Scene Technicians must be graduates of prescribed investigation courses. Lead investigators shall hold a rank of at least lieutenant, crime scene technicians shall hold a rank of at least corporal. Policemen without the necessary qualification and/or rank are assistants to the Investigation Team and shall be referred to as such.

NOTE: Every police station and Anti-Crime Office shall have trained policemen available who are able to act as in-house crime scene technicians when better-qualified crime scene technicians of the Crime Laboratory are not available, or the crime scene does not require the provision of specialist crime scene technicians from the Forensic Laboratory.

(3) Each unit of crime scene technicians must always ensure availability and usage of the following equipment:

1. Police cordon tape;
2. Video camera;
3. Voice recorder;
4. Camera (to take photos);
5. Measuring device;
6. Gloves;
7. Torch;
8. Fingerprint kit;

9. Evidence bags;
10. Evidence tags;
11. Evidence bottles/vials; and
12. Technician's file containing as minimum the following:
 - a) Notebook
 - b) Checklists
 - c) Anatomical diagram form
 - d) Evidence checklist
 - e) Turn-over receipt

Article 30. Duties and Responsibilities of Crime Scene Technicians

The Crime Scene Technicians have the following general duties:

1. Take full control of the inner crime scene upon arrival to include the conduct of crime scene search; taking of photographs; making sketches; lifting of fingerprints; markings of physical evidence; the transmittal of evidence to crime laboratory (securing the chain of custody); gathering and evaluation of evidence; follow-up of the case and documentation.
2. Conduct case conferences with the first responder, Crime Laboratory experts, other law enforcement and rescue personnel;
3. Note any secondary crime scene and secure and investigate it respectively;
4. Inform the lead investigator on the progress of the crime scene investigations including updating on preliminary findings; and
5. Release the crime scene after completion of investigation.

NOTE: The Crime Scene Technicians shall instruct other policemen to support their work, in particular for establishing a command post, designating a holding area for VIPs and media, limiting access to the crime scene, and securing secondary crime scenes.

Article 31. Investigation Procedure at the Crime Scene

The Crime Scene Technicians shall perform the following duties upon arrival at the crime scene:

1. Receive the crime scene from the first responder.
2. Record time/date of arrival at the crime scene, location of the scene, condition of the weather, condition and type of lighting, direction of wind and visibility.
3. Photograph and/or video the entire crime scene (see below Article 34 on procedures on taking photographs).
4. Before entering the crime scene, all investigators must put on surgical gloves (if available also surgical shoes and plastic suits, face masks and hair nets).
5. Before touching or moving any object at the crime scene in a homicide case, determine first the status of the victim, whether he is still alive or already dead. If the victim is alive, the crime scene technician should exert efforts to gather information from the victim himself regarding the circumstances of the crime, while a member of the team or someone must call an ambulance from the nearest hospital. Before removing the dead body, mark, sketch and

photograph his/her relative position. Only a coroner or a medical examiner shall remove the dead body unless unusual circumstances justify its immediate removal.

6. Designate a member of the team or ask other policemen or responsible persons to stand watch and secure the scene, and permit only authorised persons to enter the same.
7. Identify and retain for questioning the person who first notified the police, and other possible witnesses.
8. If not already done by a first respondent or other officers, determine the suspect through inquiry or observation, in case someone can already be recognised as a suspect. Have him arrested if he is still in the vicinity (if not already done by first respondent, investigator-on-case or others).
9. If not already looked after by other officers, separate witnesses to get uninfluenced statements.

Article 32. The Gathering of Evidence

(1) Recording

The Crime Scene Technicians begin the process of recording pertinent facts and details of the investigation the moment they arrive at the crime scene. The crime scene technician shall record the time when he was initially notified and the time of his arrival. They also write down the identification of persons involved and what they initially saw. They shall draw a basic sketch of the crime scene and take photographs. This is to ensure that an image of the crime scene is recorded before any occurrence that disturbs the scene. As a rule, do not touch, alter or remove anything at the crime scene until the evidence has been processed through notes, sketches and photograph, with proper measurements.

(2) Searching for evidence

1. Each crime is different, according to the physical nature of the scene and the crime or offence involved. Consequently, the scene is processed in accordance with the prevailing physical characteristics of the scene and with the need to develop essential evidentiary facts peculiar to the offence. A general survey of the scene is always made, however, to note the locations of obvious traces of action, the probable entry and exit points used by the offender(s) and the size and shape of the area involved.
2. In rooms, buildings, and small outdoor areas, a systematic search of evidence is initiated (In the interest of uniformity, it is recommended that the clockwise movement be used.) The investigator examines each item encountered on the floor, walls, and ceiling to locate anything that may be of evidentiary value.
3. You should give attention to fragile evidence that may be destroyed or contaminated if it is not collected when discovered.
4. If any doubt exists as to the value of an item, treat it as evidence until proven otherwise.
5. Ensure that the item or area where latent fingerprints may be present is closely examined and that action is taken to develop the prints.
6. Carefully protect any impression of evidentiary value in surfaces conducive to making casts or moulds. If possible, photograph the impression and make a cast or mould.

7. Note stains, spots and pools of liquid within the scene and treat them as evidence.
8. Treat as evidence all other items, such as hairs, fibers, and earth particles foreign to the area in which they are found; for example, matter found under the victim's fingerprints.
9. Proceed systematically and uninterrupted to the conclusion of the processing of the scene. The search for evidence is initially completed when, after a thorough examination of the scene, the rough sketch, initial photographs and investigative notes have been completed and the investigator has returned to the point from which the search began.
10. Further search may be necessary after the evidence and the statements obtained have been evaluated.
11. In large outdoor areas, it is advisable to divide the area into strips about or only slightly more than one metre wide. The policeman may first search the strip on his left as he faces the scene and then the adjoining strips.
12. It may be advisable to make a search beyond the area considered to be the immediate scene of the incident or crime. For example, evidence may indicate that a weapon or tool used in the crime was discarded or hidden by the offender somewhere within a square-mile area near the scene.
13. After completing the search of the scene, the investigator examines the object or person attacked by the offender. For example, a ripped safe, a desk drawer that has been pried open or a room from which items has been stolen, would be processed after the remainder of the scene has been examined for traces of the offender.
14. In a homicide case, the position of the victim should be outlined with a chalk or any other suitable material before the body is removed from the scene. If the victim has been pronounced dead by a doctor or is obviously dead, it is usually advisable to examine the body, the clothing and the area under the body after the remainder of the scene has been searched. This is to enable the policeman/investigator to evaluate all objects of special interest in the light of all other evidence found at the scene.

(3) Collection of Evidence

This is accomplished after the search is completed, the rough sketch finished and photographs taken. Fragile evidence should be collected as they are found. The Crime Scene Technician places his initials, the date and time of discovery on each tag of the container of each item of evidence for proper identification. Items that could not be marked should be placed in a suitable container and sealed.

(4) Markings of Evidence

Physical evidence obtained shall be inserted in a bag or other container and this container must be sealed and marked or tagged before its submission to the evidence custodian. These are information to ensure that the items can be identified by the collector at any time in the future. This precaution will help immeasurably to establish the credibility of the collector's report or testimony and will effectively avoid any suggestions that the item has been misidentified. Markings on the specimen must at least contain the following:

1. Exhibit Case Number,
2. Initials and/or signature of the collecting officer,
3. Time and date of collection.

NOTE: It is also important to note the place or location where the evidence was collected.

(5) Summary Evaluation of Evidence

Each item of evidence must be evaluated in relation to all the evidence, individually and collectively. If necessary, these pieces of evidence must be subjected to crime laboratory examination. Example: firearms for ballistic examination, hair strands etc.

(6) Preservation of Evidence

It is the investigator's responsibility to ensure that every precaution is exercised to preserve physical evidence in the state in which it was recovered/ obtained until it is released to the evidence custodian.

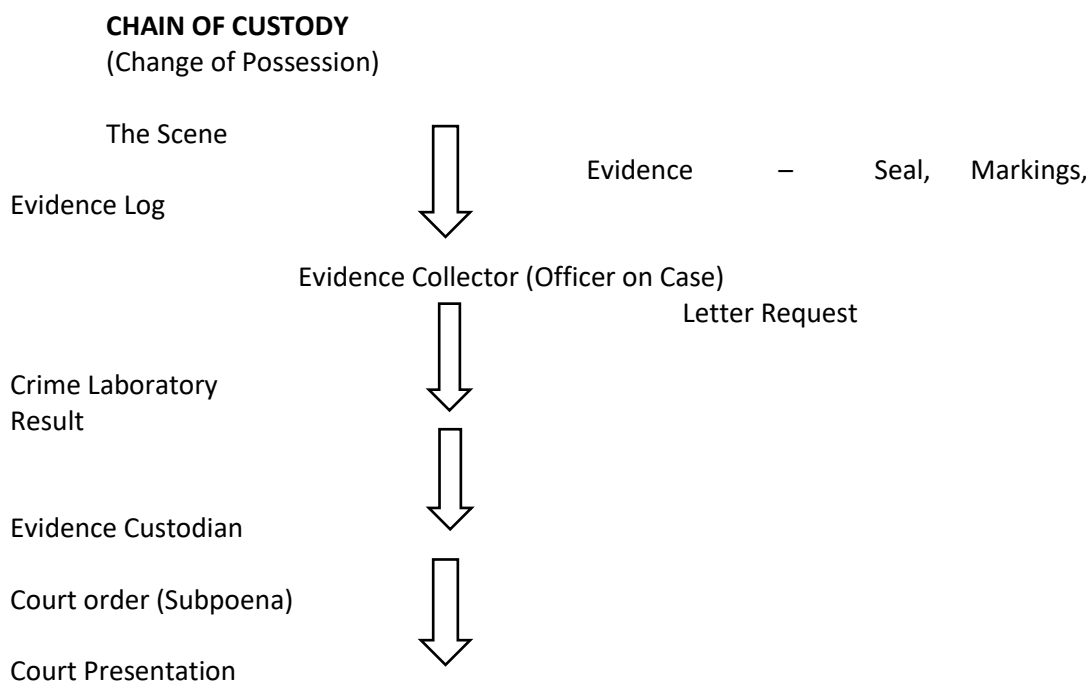
(7) Releasing of Evidence

All collected evidence can only be released upon order of the investigating court or trial court.

Article 33. The Chain of Custody

(1) A list of all persons who came into possession of an item of evidence, continuity of possession according to a criminal evidence record must be established whenever evidence is presented in court as an exhibit. Adherence to standard procedures in recording the location of evidence, marking it for identification, and properly completing evidence submission forms for laboratory analysis is critical to chain of custody. Every person who handled or examined the evidence and where it is at all times must be accounted for.

(2) As a rule, all seized evidence must be in the custody of the evidence custodian and deposited in the evidence room or designated place for safekeeping.



(3) Transport of Evidence to Crime Laboratory

Proper handling of physical evidence is necessary to obtain the maximum possible information upon which scientific examination shall be based, and to prevent exclusion as evidence in court. Specimens which truly represent the material found at the scene, unaltered, unspoiled or otherwise unchanged in handling will provide more and better information upon examination. Legal requirements make it necessary to account for all physical pieces of evidence from the time it is collected until it is presented in court. With these in mind, the following principles should be observed in handling all types of evidence:

1. The evidence should reach the laboratory in same condition as when it was found, as much as possible.
2. The quantity of specimen should be adequate. Even with the best equipment available, good results cannot be obtained from insufficient specimens.
3. Submit a known or standard specimen for comparison purposes.
4. Keep each specimen separate from others so there will be no intermingling or mixing of known and unknown material. Wrap and seal in individual packages when necessary.
5. Mark or label each piece of evidence for positive identification as the evidence taken from a particular location in connection with the crime under investigation.
6. The chain of custody of evidence must be maintained. Account for evidence from the time it is collected until it is produced in court. Any break in this chain of custody may make the material inadmissible as evidence in court.

Article 34. Procedures on Taking Photographs

One of the crime scene technicians should act as photographer. Taking pictures with mobile phones shall always be considered as an option if other equipment is not available. The photographer shall take the following actions:

- (1) Overall photos of the scene are taken to show the approach to the area, street signs, and street light locations in relation to the actual scene, street addresses and identifying objects at the scene. Pictures should also be taken of every room in the house, even if their relationship to the crime scene is not readily apparent.
- (2) Photograph the scene in a clockwise pattern before altering the position of a body or any other piece of evidence within the scene. Photograph the scene from at least two opposite corners, but from all four corners is even better. This way, nothing is missed or hidden from view by intervening objects.
- (3) Photograph the body and the immediate vicinity around the body. If you have a camera boom, take pictures from ceiling height down of the victim and any other evidence. This perspective often shows things missed when viewed from ground or eye level.
- (4) Keep a photo log.

NOTE: A Photo Log Sheet is a list of all the photographs taken at the crime scene. In the header of the document shall be mentioned: the name of the agency, the case number, the incident it covers, the name of the victim, the date and time of the document, the subject matter, the

location the photos were taken, the name of the photographer, the kind of photos taken (if film: black and white, digital video etc, the kind of video such as 8mm or Hi-8), the photo numbers and notes to each photograph.

Article 35. Procedures on Making a Sketch

(1) To establish admissibility, the investigator must have personal recollection of the crime scene, i.e. he must be able to verify the sketch he had made.

NOTE: Sketches are not a substitute for notes or photos; they are a supplement to them.

(2) Types of sketches:

1. Floor plan or “bird’s-eye view”;
2. Elevation drawing;
3. Other perspective drawings.

(3) Write down all measurements.

(4) Fill in all the details on your rough sketch at the scene. Final sketch may be prepared at the office.

(5) Keep the rough sketch even when you have completed the final sketch.

(6) Indicate the North direction with an arrow.

(7) Draw the final sketch to scale.

(8) Indicate the Place in the sketch as well as the person who drew it. Use letters of the alphabet for listing down more or less normal parts or accessories of the place, and numbers for items of evidence.

(9) Indicate the position, location and relationship of objects.

(10) Methods or systems of locating points (objects) on sketch:

1. Rectangular coordinates (Measurements at right angles from each of two walls).
2. Coordinates constructed on transecting base line. Choose relatively fixed points for your base line.
3. Triangulation (Measurements made from each of two fixed objects to the point you want to plot or locate so as to form an imaginary triangle. Sketch will show as many imaginary triangles as there are objects plotted).

(11) Critical measurements, such as skid marks, should be checked by two investigators.

(12) Measurements should be harmony or in centimetres and metres, mixed in one sketch.

(13) Use standard symbols in the sketch.

(14) Show which way the doors swing.

(15) Show with arrow the direction of stairways.

(16) Recheck the sketch for clarity, accuracy, scale, and title, key.

Article 36. Procedures on Lifting Fingerprints

(1) Dusting for Latent Fingerprints

1. Pour a small amount of powder into a piece of paper or a shallow bowl.
2. Touch the tip of the brush to the powder being careful not to pick up too much.
3. Apply the powder to the surface gently, using short strokes.
4. When a print begins to appear, begin making the brush strokes to conform to the pattern of the ridges.

(2) Lifting of Latent Fingerprints

1. Pull off approximately 8 cm of tape from the roll.
2. Begin pressing the tape from the leading edge with a back and forth motion of a finger.
3. Continue pressing the tape an inch or more past the latent.
4. To make the lift, use a steady, even pull.
5. Once the tape is pulled beyond the latent print and the print is lifted, stop so that the leading edge is still in contact with the surface.
6. The print should be mounted on some form of backing material.

(3) Taking Plain Impressions

1. DO NOT ROLL the fingers when inking or taking the impression.
2. Use the same position as when rolling the fingers.
3. Ink the right thumb by pressing it straight down onto the ink surface (do not roll).
4. Ink the remaining four fingers simultaneously by pressing them onto the ink surface.
5. Repeat the same procedure with the left hand.

Article 37. Recording the Conditions of Victims and Offenders

(1) The Crime Scene Technicians shall record condition of the victim: The victim is either dead or alive. In both cases, his or her condition must be recorded, for fear that the body would decompose and lose features, wounds would heal, and clothes be changed. A victim may also not be available, having left the crime scene.

(2) If the victim is dead, the crime scene technicians shall treat the body as evidence to be used as an exhibit and as such

1. Prepare a detailed description of the place where the body was found.
2. Make note who found it and whether it had been moved and changed in any way and the reasons given for those changes.

3. Describe the body in terms of gender (male or female with approximate age), height and distinguishing marks, wounds and bruises.
4. Check clothes, describe them, ripped or unbuttoned, and describe pockets' contents such as documents and money.
5. Describe the apparent cause of death (as far as it could be determined by a crime scene technician).
6. Record weapons found around the body, machines, luggage, clothes, traces of shoes and whatever determines the identity of the body if unidentified.

(3) The crime scene technicians shall record condition of the victim if he is alive:

1. A thorough examination of the victim to describe scratches, wounds, bruises, stains.
2. The shape, area, date of scratches and the tools that may have caused them and whether they were caused by the victim or not.

(4) The crime scene technicians shall record the condition of the accused: The investigator must examine the body of the accused to record the condition of face, hands, feet and other members and look for scratches, bruises, wounds and bites of teeth caused by resistance of the victim. Likewise his clothes shall be examined and recorded whether they are stained or ripped, the probable reasons for it and when this may have occurred to determine whether or not it is related to the crime.

Article 38. Crime Laboratory Staff acting as Crime Scene Technicians

(1) In cases where the crime scene needs special processing due to its complexity or significance or because of its sensational nature, forensic experts or crime scene specialists of the Crime Laboratory shall be requested to act as crime scene technicians.

(2) If the situation involves explosives, a clandestine drug laboratory, biological weapons, radiological or chemical threats, the appropriate unit should be contacted prior to entering the scene.

1. Significant Cases:

- a) Bombing Incidents
- b) Terrorist activities
- c) Rape
- d) Kidnapping and abduction
- e) Armed robbery of banks
- f) Financial crimes against or by financial institutions
- h) Heinous crimes
- i) Homicide, Arson
- j) Crimes committed by the police or other armed forces personnel;

2. Sensational Cases:

- a) Elected Public Officials
- b) Appointed high public officials
- c) Foreign diplomats
- d) Any foreigner
- e) Former high-ranking government officials
- f) Other prominent figures such as movie stars, sports stars, tri-media practitioners, prominent businessmen, professionals, and prominent leaders of religious organisations.

Article 39. Release of Crime Scene

(1) The lead investigator shall ensure that appropriate inventory has been made. The lead investigator shall:

1. Release the scene with the notion that there will not be another chance to gather any evidence at the crime scene.
2. Release is accomplished only after completion of the final survey and proper documentation of evidence, witnesses, victims and suspects; and

(2) If the crime scene is within a private property, the same must be released to the lawful owner witnessed by another policeman or any government official. In case of a government facility, it should be released to the administrator.

CHAPTER VI. THE FORENSIC EXPERTS

Article 40. Tasks of Forensic Experts

(1) Forensic experts shall assist the case investigators by rendering opinions on the following subject matters:

1. The existence of a crime: Forensic experts shall determine whether a crime has occurred.
2. How the crime was committed. Example: A broken door indicates that there might have been a break in.
3. The location of the crime. Example: Finding the body in the room with blood around it indicates that the crime was executed in this room, but if the body was slaughtered with no blood around it, that indicates that the slaughtering happened somewhere else before the body was moved to the room.
4. The time of committal of crime. Example: The forensic expert shall determine the time of murder by examining the body of the deceased.
5. The crime weapons. Example: The wound shows which weapon was used in the crime (fire gun, sticks etc.).
6. Entry and exit of the offender. Example: The direction of the footprints shows the offender's movement into and out of the crime scene.
7. The crime motives. Example: If the house contents were scattered and the vault was empty then the motive may be theft. If the body of the victim was found but nothing in the house stolen, robbery as motive may be excluded.

(2) Forensic examinations may reveal features concerning the offender, such as:

1. The offender's fingerprints: The offender can be identified with his fingerprints found in the crime scene.
2. The offender's habits and characteristics: Finding a cigarette butt indicates that he is a smoker, footprints also can suggest if he has a limp or is tall.
3. The offender's profession: When the door is opened in a professional way that suggests that the offender could be a carpenter or a blacksmith.
4. Knowledge of the place: Stealing an amount of money from a certain drawer in a cupboard without scattering its contents suggests that he has prior knowledge of the place. Thus, the search to identify the suspect can be narrowed.

5. Knowledge of the victim: If traces showed that the criminal disguised the way he looks or stabbed the victim from the back may suggest that he did not want the victim to recognise him.
6. Accomplices: Multiple different fingerprints or an excessive weight of a stolen object or kinds of injuries on the victim that indicate the involvement of multiple offenders.

NOTE. There are numerous distinctive areas in forensic sciences. This SOP does not attempt to describe the specialised work of forensic experts but only describes their role in the investigations.

CHAPTER VII. THE LEAD INVESTIGATOR

SUB-CHAPTER I. GENERAL TASKS

Article 41. General Duties of the Lead Investigator

The lead investigator carries the main responsibility for the day to day handling of the investigations which includes at least some of the following steps depending on case circumstances:

1. Visiting the crime scene and liaising with first responders to get information on the crime committed, suspects identified and apprehended, or witnesses requested to remain available;
2. Liaising with crime scene technicians and forensic experts to get informed on how the crime may have been committed and receive other examination results;
3. Directing the investigations for the police, including drawing up Case Investigation Plans in complex crime investigations;
4. Communicating with the investigating judge to receive directions on evidence gathering;
5. Identifying and apprehending suspects;
6. Presenting detainees within 24 hours of arrest before investigating judges with substantiated motions to seek decisions on detention on remand or bail;
7. Presenting cases to investigating judges with documentation for a decision on detention on remand for up to 15 days, for renewal of detention periods for further 15 days periods or for other detentions periods as to be determined by the investigating judge;
8. Applying to the investigating judge for arrest warrants, orders for extension of detention of suspect, orders for detention on remand, search and seizure orders and other investigative measures;
9. Release detainees 24 hours after arrest, or after 15 days or other detention periods ordered by an investigating judge passed and no further decisions of investigating judges have been rendered;
10. Supervising the collection of physical evidence;
11. Developing and following leads to gather evidence and examine it as to its credibility;
12. Reviewing and analysing all previous reports prepared in the preliminary phase;
13. Interviewing suspects and conducting additional interviews with complainants and witnesses; Reviewing departmental records;
14. Seeking additional information (from uniformed officers, informants) and collaborate with other police departments, agencies and institutions;
15. Seeking and reviewing results from laboratory examinations;
16. Arranging for dissemination of information as appropriate;
17. Planning, organising and conducting searches and seizures;
18. Assisting investigating courts and seeking investigative orders from investigating courts;

19. Checking suspects' criminal histories;
20. Charging the suspects when an accusation of a crime can be sufficiently substantiated;
21. Submitting completed investigation reports to the investigating court; and
22. Appearing as witness of the investigations in hearings and the trial at court whenever summonsed.

The lead investigator shall initiate all those tasks independently as required in the cases assigned to him, i.e. as being his responsibility and out of his own, unprompted initiative unless the investigating judge provides specific orders to expand, redirect or limit the investigations.

Article 42. Initial Incident Account on the Case

The lead investigator shall enquire who received the first incident statement and what the receiver of this statement recorded or recalls including the identity of the person that informed the police.

Article 43. Visiting the Crime Scene and Liaising with Crime Scene Technicians

(1) The lead investigator should as soon as practicable visit the crime scene to get acquainted with it, interview the first responder about his actions and what he observed. If a suspect has already been apprehended at the crime scene, the investigator shall instantly review the action of the first responders (or whoever apprehended the suspect) and, if witnesses are at the crime scene, ascertain their identities and conduct initial brief interviews. The investigator shall record his observations and relevant statements by the first responders, victims, other witnesses and suspects.

(2) If crime scene technicians have not already arrived but appear to be required for the case, the lead investigator shall see to it that qualified crime scene technicians are sent by a laboratory of the Forensic Evidence Department, a police station or the Anti-Crime Section. If necessary, the investigator shall ensure that the crime scene technicians arrive and conduct their work with proper care. If crime scene technicians cannot make it to the crime scene, the investigator himself shall secure and transport the evidence with appropriate means for further examinations or supervise others to do it in the most appropriate and professional manner as possible. The investigator must always consider that the victim and suspect themselves and their clothing are crime scenes that require evidence protection.

Article 44. Liaising with Forensic Experts of Laboratories

(1) The lead investigator shall contact the forensic experts of the laboratories at the earliest opportunity, preferably at the crime scene, if the laboratory are themselves are also acting as crime scene technicians. If they are not themselves act as crime scene technicians but it is done by other policemen, the forensic experts of the laboratories shall provide the other crime scene technicians advice on the identification of crime scenes and the preservation, seizure and packaging of exhibits if necessary.

(2) The lead investigator shall request from the forensic experts a report on the evidence found and conduct meetings to have the findings explained.

SUB-CHAPTER II. VICTIM AND WITNESS TREATMENT

Article 45. Locate Victims and Witnesses and Obtain Statements

(1) The lead investigator shall carry out and supervise enquiries to locate all potential victims and witnesses which includes conducting appropriate enquiries at and near the scene. Comprehensive and precise contact details must be taken from all victims and witnesses.

(2) The decision as to whether to obtain an immediate statement from a victim/witness must be made according to the circumstances. Factors that will determine whether to take statements immediately at or near the crime scene or later in the investigator's office shall include the future availability and co-operation of a victim/witness and whether a victim/witness is vulnerable or intimidated. Witnesses must always be separated from suspects and should also be separated from each other.

Article 46. Taking of Statements of Victims and Witnesses

(1) Interviewing a victim or witness requires the establishment of a relationship so that they feel comfortable to cooperate with the interviewer. For witnesses to be forthcoming they must feel safe and supported by the police. Some of the interviewing techniques applicable for suspects such as rapport-building (as described in the sub-chapter on suspect interviews) apply also to witnesses.

(2) If sound or video equipment is available, investigators shall consider using this equipment to have interviews with significant witnesses recorded. Sound or video recording regularly increases the amount and quality of information gained from the witness and increases the amount of information reported by the witness being recorded. It also safeguards the integrity of the interviewer and the interview process and provides better opportunities for monitoring.

Article 47. Victim and Witness Assistance

During the investigation, officers shall provide the following assistance to victims and witnesses:

1. Advising the victim/witness about what to do if the suspect or the suspect's companions or relatives threaten or otherwise intimidate him or her.
2. Informing victims about the case number and subsequent steps in the processing of the case.
3. Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

Article 48. Protection of Vulnerable and Intimidated Witnesses

Special protective measures shall be provided to vulnerable and intimidated victims and witnesses immediately at the beginning of the investigation or when the need is recognised to enable them to give evidence. The investigator shall primarily consider more easily implementable measures such as using an alias instead of the real name of the victim/suspect in the case file and when referring to this person, interviewing the witness in his home instead of in the police station, have the witness interviewed through internet video conferencing or provide other protection services as described in the Law on the Protection of Witnesses, Experts, Informants and Victims. The investigator shall inform the investigating judge about the measures already initiated and propose to the court to instruct further specific measures that the police are able to provide for vulnerable or already intimidated witnesses and, if necessary, relatives.

Article 49. Second Contacts

(1) Contacting a victim, complainant, or witness for a second time, after the lapse of several days, may result in the receipt of additional information leading to the clearance of a case. Maintaining a policy of "second contact" is valuable in building public confidence in the agency as well as indicating that the law enforcement officers are genuinely concerned about the welfare of the victim and other citizens associated with the case.

(2) At the end of the investigations the investigator shall provide the complainant or victim full information about the results of the investigations.

SUB-CHAPTER III. SAFEGUARDS FOR JUVENILES AND MENTALLY HANDICAPPED PERSONS

Article 50. Identification of Juveniles and Mentally Handicapped Persons; Required Procedures

(1) If anyone appears to be under the age of 18, but obviously above the age of 9, he or she shall be treated as a juvenile in the absence of clear evidence to show that he or she is older. Likewise, if anybody appears mentally disturbed or handicapped, he or she shall be treated as a person requiring extra care and safeguards.

(2) The provisions of this sub-chapter are applicable for juveniles and handicapped persons in addition to the regular safeguards and procedural requirements outlined in this SOP.

Article 51. Authority of the Juvenile Police

If in an investigation a juvenile is suspected of having committed an offence, the juvenile police shall be asked to take over the case. If the arrested person is a juvenile who was not arrested by the juvenile police, the arresting officer shall immediately initiate action to have the juvenile police informed about the case and arrest, and the arrested suspect transferred as provided in Article 48 of the Juvenile Welfare Law.

Article 52. Grounds for Arrest of Juvenile Suspects

(1) The juvenile should not be arrested for contraventions. He may be arrested for felonies and misdemeanours only for examining him (Article 52 para. 1 of the Juvenile Welfare Law).

(2) The juvenile shall be arrested if he is accused of a felony for which the penalty is death and only if the juvenile has attained the age of fourteen (Para. 2 of Article 52 of the Juvenile Welfare Law).

(3) The arrest of a juvenile shall be enforced in an Observation House. As in places where there is no Observation House, measures shall be taken to avoid mixing the juvenile with adult detainees (Para. 3 of Article 52 of the Juvenile Welfare Law).

Article 53. Conduct of Arrest of Juveniles and Mentally Handicapped Persons

(1) If the arrested person is a juvenile or appears to be suffering from a mental disorder, then the investigator or person supervising the detention shall immediately inform the parents or guardian that he has been arrested, the grounds for the arrest, his whereabouts and ask the parent or guardian to come to the police station to see the arrested person. The investigator shall immediately inform the investigating judge when a guardian cannot be contacted or is otherwise not available.

(2) A juvenile shall not be arrested at his place of education unless this is unavoidable. When a juvenile is arrested at his place of education, the school principal and the juvenile's guardian must be informed.

(3) An intimate search at a police station of a juvenile or a mentally handicapped person may take place only in the presence of a parent or another guardian unless the search is ordered by a police station commander to prevent an imminent danger of injury.

Article 54. Conditions of Temporary Detention of Juvenile Suspects

(1) If a juvenile cannot immediately be transferred to the juvenile police after arrest, the juvenile suspect shall not be placed in a police cell unless no other secure accommodation is available, and the investigator considers that it is not practicable to supervise him if he is not placed in a cell. A juvenile must not be placed in a cell with other detained adults. Detention in a non-juvenile police station or other non-juvenile facility must be as temporarily limited as possible until he can be transferred to an observation house.

(2) Whenever possible, juveniles and other people at risk shall be permitted to be visited in detention by the guardian and defence lawyer more frequently including beyond usual visiting hours.

Article 55. Interviews of Juveniles and Mentally Handicapped Persons

(1) A juvenile or a person who is mentally handicapped, when interviewed whether as suspected or witness, must not be asked to provide or sign a written statement in the absence of a parent or guardian.

(2) Juveniles may only be interviewed at their places of education in exceptional circumstances and then only when the principal agrees. Every effort should be made to notify the parents or guardian that the police want to interview the juvenile and reasonable time should be allowed to enable the parent or guardian to be present at the interview.

NOTE: Juveniles or people who are mentally handicapped are often capable of providing reliable evidence. However, they may be prone in certain circumstances to provide information which is unreliable, misleading or self-incriminating. Special care should therefore always be exercised in questioning such a person, and the guardian should be involved if there is any doubt about a person's age, mental state or capacity. Because of the risk of unreliable evidence, it is also important to obtain corroboration of any facts admitted whenever possible.

SUB-CHAPTER IV. SUSPECT INTERVIEWING

Article 56. Definition and Purpose of the Suspect Interview

(1) The questioning by an investigation officer of another person in a police station or authorised detention facility regarding his alleged involvement in a criminal offence shall be referred to as a suspect interview.

(2) The primary purpose of a suspect interview is to obtain critical information about the crime under investigation. The receipt of any information on the crime, whether admissions of verifiable facts or leads, represents a successful outcome. A detailed, verifiable and full confession is the ultimate successful result but shall never be the standard objective set by the interviewer or demanded by his supervisors.

(3) The interviewer must pursue all reasonable lines of enquiry whether they point towards or away from the suspect. The ability of the police to exclude an interviewee or other persons from suspicion must likewise be considered a successful outcome of an interview.

Article 57. Unsolicited Comments and Statements of the Suspect

(1) Unsolicited statements of suspects made at crime scenes, during arrest, transport to a detention facility or before interview by the lead investigator shall be reported by the accompanying policemen to the lead investigator. A formal interview of a suspect shall be conducted by the lead investigator in the police office (i.e. police station, office of the Anti-Crime Section or office of the FIIA).

(2) The arrested suspect shall be fingerprinted, photographed, medically examined and his criminal record checked.

Article 58. Required Training of Interviewers

Suspect interviews shall be conducted by officers who have received training on ethical standards and interviewing technique, or have been certified by the Training Directorate to have the necessary experience and knowledge on both subject matters, including a number of qualified female officers shall conduct interviews. The interviewer shall normally be the lead investigator.

Article 59. Minimum Rest Time

In any period of 24 hours a detainee must be allowed a continuous period of at least 8 hours for rest, free from questioning, travel or any interruption relating to the investigation concerned. This period should normally be at night.

Article 60. Fit for Interview Medical Examination

(1) Before a detainee is interviewed, the custody officer (or guard or warden), in consultation with the officer in charge of the investigation and, if accessible, appropriate healthcare professionals, shall assess whether the detainee is fit enough to be interviewed. This means determining and considering the risks to the detainee's physical and mental state if the interview took place and determining what safeguards are needed to allow the interview to take place.

(2) The interview guide herein described is applicable to adults. Juveniles require more safeguards and care as they are easily susceptible to be prompted to make false admissions.

Article 61. Interview Room

As far as practicable, interviews shall take place in interview rooms which are adequately heated, lit and ventilated or airconditioned. If possible, interview rooms are separate rooms designated as such and furnished to create an environment that inspires rapport-building between interviewer and suspect.

Article 62. Separation and Single-Person Cell

(1) Suspects must be separated from suspected accomplices and persons who made statements as witnesses.

(2) As far as available, suspects to be interviewed or whose interviewing process has not been completed shall be held in single person cells.

Article 63. Interview at Earliest Convenient Time

The interview shall be conducted as earliest as possible after arrival of the suspect at the police station or authorised detention facility and after having prepared an interview plan. Circumstances such as ongoing evidence gathering may require the investigator not to conduct the interview at the earliest stage.

NOTE: An individual is more easily persuaded to provide critical information immediately after undergoing a significantly distressing experience. This means that an individual's adverse attitude against being interviewed or towards the police is easier to sidestep immediately after arrest. The circumstances of committal of a crime and arrest are distressing for most suspects.

Article 64. Informing on Nature of Offence, Right to Remain Silent

(1) Whenever a suspect is interviewed, he must first be informed of the nature of the alleged offence.

(2) The suspect has the right to remain silent and abstain from incriminating himself or his/her spouse.

(3) Immediately prior to the commencement of an interview at a police station or other authorised place of detention, the interviewer should remind the suspect of his entitlement to legal advice and that the interview can be delayed for legal advice to be obtained.

Article 65. The Approach Phase

(1) The approach phase begins with initial contact between the suspect and the interviewer. The interviewer's objective during this phase is to establish suspect rapport and to gain his willingness to communicate. Rapport-building with the suspect is the foundation of conducting successful interviews. Rapport-building increases the quantity and quality of information produced by suspects. It also increases recall accuracy of suspects.

(2) At the initial contact, a business-like relationship shall be maintained. As the suspect assumes a cooperative attitude, a more relaxed atmosphere may be advantageous. The interviewer must carefully determine which of the various approach techniques to employ.

(3) Regardless of the type of suspect and his/her outward personality, everybody possesses distinct personality leanings which, if correctly recognised by the interviewer, shall be used to determine a persuasive approach. The suspect's personality is manifested in speech, mannerisms, facial expressions, physical movements, excessive perspiration and other overt indications that vary among suspects.

NOTE: From a psychological standpoint, the interviewer must be cognisant of the following behaviours. People tend to:

- Talk, especially after distressing experiences such as committal of a crime and arrest.
- Show deference when confronted by superior authority.
- Rationalise acts about which they feel guilty.
- In distressing situations fail to apply or remember instructions that they may have been given not to communicate or cooperate with the police.
- Cooperate with those who have control over them.
- Attach less importance to a topic about which the interviewer demonstrates identical or related experience or knowledge.
- Appreciate flattery and exoneration from guilt, even if only on some aspects of a crime.
- Resent having someone or something they respect belittled, especially by someone they dislike.
- Respond to kindness and understanding during trying circumstances.
- Cooperate readily when given material rewards such as extra food or other extra items not readily available for detainees for their personal comfort.

The application of suitable approach techniques eventually should induce the suspect willingly to provide accurate information to the interviewer. The term “willingly” refers to the suspect's answering the interviewer's questions, not necessarily his overall cooperation.

The suspect may or may not be aware he is providing the interviewer with valuable information. Some approaches may be complete when the suspect begins to answer questions. Others may have to be constantly maintained or reinforced throughout the interview.

Article 66. Rapport-developing Approaches

(1) The interviewer shall use recognised interviewing techniques to persuade the suspect to provide information about the alleged crime. Rapport may be developed by:

- Asking about the circumstances of arrest and detention. By doing this, the interviewer can gain insight into the detainee's actual state of mind and, more importantly, he can ascertain his possible breaking point.
- Asking background questions. Apparent interest can be built by asking about the suspect's family, normal life, friends, likes, and dislikes. This is to develop rapport, but non-pertinent questions may open new avenues for the approach and help determine whether tentative approaches chosen during preparation will be effective. If these questions show that the tentative approaches chosen will not be effective, a flexible interviewer can shift the approach direction without the suspect being aware of the change.
- Depending on the situation, and requests the suspect may have made, the interviewer also can use the following to develop rapport. The interviewer may offer realistic incentives, such as:
 - Immediate comfort items (coffee, cigarettes).
 - Short-term comfort (a meal, shower, a phone call to his spouse).
 - Share experience like those of the suspect.
 - Show concern for the suspect using voice vitality and body language.
 - Help the suspect to rationalise his guilt.
 - Show kindness and understanding toward the suspect's predicament.
 - Convey understanding for, if only for some of, the suspect's acts and motivations of the suspected crime.
 - Flatter the suspect.

(2) After having established control and rapport, the interviewer shall continually assess the suspect to see if the approaches, and later the questioning techniques, chosen in the planning and preparation phase will indeed work.

NOTE: Approaches chosen during preparation are tentative and often based on scanty information available from crime scenes, documents, guards and the interviewer's personal observation. This may lead the interviewer to select approaches which may be unsuitable for persuading the suspect to answer investigation-relevant questions. Thus, careful assessment of the suspect is critical to avoid wasting valuable time in the approach phase.

An interviewer shall try to overcome resistance using smart interviewing techniques but must accept that suspects have the right to remain silent and not to incriminate themselves or their spouses. As such there are suspects the interviewer will not be able to persuade communicating and cooperating. Consideration must likewise be given that a suspect is uncooperative because he is innocent. By the very nature of being only a suspect, interviewers must always keep in mind the possibility that the interviewee is not guilty of any offence as he is only considered a "suspect".

The interview process involves the use of interview techniques. Interviewing involves complex interpersonal skills, which can be learnt, but many aspects of their performance are

subjective. Each interview is unique because of the personalised interaction between the interviewer and the suspect.

Article 67. The Questioning Phase

(1) The interview effort has the goal to obtain verifiable information. Developing and using good questioning techniques enable the interviewer to obtain accurate and pertinent information by following a logical sequence.

(2) The questioning phase starts when the suspect begins to answer a question pertinent to the six (6) cardinal points of investigation (what specific offence has been committed; how the offence was committed; who committed it; where the offence was committed; when it was committed; and why it was committed). Whenever appropriate, the interviewer shall break the interview into topic areas and put confrontational questions to the suspect at a later stage after the suspect had stated some facts or assertions.

Article 68. Questioning Techniques

(1) Various questioning techniques must be used throughout the interview. The interviewer must know when to use different types of questions. Good questioning techniques enable the interviewer to extract the maximum amount of information in a minimum amount of time. The interviewer must be able to use the following types of questions: Direct, Non-pertinent, Repeated, Control, and Prepared.

(2) Interviewers should avoid leading and negative questions. Leading questions only require the suspect to answer Yes or No. They do not elicit narrative answers. They also prompt the suspect to answer the question in a way he thinks the interviewer wants to hear it. Leading questions should only be used to verify facts, pinpoint map locations and confirm information already obtained during the interview. Likewise, negative questions should not be asked during an interview. They imply the suspect should reply in the negative, and this is likely to confuse or leads the suspect to provide false information.

Article 69. Forbidden Methods

No interviewer may try to obtain answers or elicit a statement using oppression. No interviewer shall indicate what action will be taken by the police if the person being questioned answers questions, makes a statement or refuses to do either.

NOTE: Intuition holds that the innocent does not make false confessions. But innocent people interviewed as suspects do confess to crimes they have not committed to stop abuse, to gain favour with the interviewing policeman and to follow some fragile thread of imaginary hope that cooperation will bring freedom.

Especially susceptible to false confessions are juveniles, the mentally ill or mentally retarded, and suspects on drugs or drunk on liquor. They are prone to suggestions what they should admit, eager to please authority figures, disconnected from reality or unable to defer gratification. Children often think that they will be penalised if they keep up their denials and will get to go home if they just go along with the interviewer. Therefore, far softer interviewing techniques and presence of parents or guardians must be ensured for juveniles, and the psychologically or physically weak people suspected to having committed an offence.

However, even mature adults of normal intelligence can be susceptible to confess falsely after being manipulated. Generally said, if you wear a person down over long periods of questioning, the suspect will give the investigators whatever they ask for, even a wrong confession, to have the interview stopped. If pressure is overpowering, one cannot speak of the suspect "willingly" communicating with the interviewer. The confession is a result of

oppression and as such null and void. Interviewers must learn what rapport with the suspect means and not cross the border to oppression.

Investigation policies may overly encourage law enforcement agencies to boost numbers of arrests and finish cases early and successfully with the effect that not so much information is sought in interviews but too much weight is given to extracting confessions. Quota systems and financial incentives that reward the police for the numbers of people arrested and cases solved can have the effect to encourage irresponsible attitudes and practices. Investigation practices require strict monitoring and periodic evaluations. Videotaping of the full length of interviews of subjects is beneficial not only to secure evidence and enable interviewers to review suspect responses but also provides an incentive for the police to take care of their own actions when they know that judges and defence lawyers have access to the material to re-examine their conduct of interviews.

Article 70. Recording Information

(1) An accurate record must be made of each interview. The record must state the place of interview, the time it begins and ends, any interview breaks and the names of all persons present at the interview. Any written record must be made and completed during the interview, and must constitute either a verbatim record of what has been said or, failing this, an account of the interview which adequately and accurately summarises it.

(2) A record shall be made of any comments made by a suspect, including unsolicited comments, which are outside the context of an interview but which might be relevant to the offence. Any such record must be timed and signed by the record maker. When practicable the suspect shall be given the opportunity to read that record and to sign it as correct or to indicate what he considers inaccurate. Any refusal by a person to sign an interview record when asked must itself be recorded. If the person interviewed cannot read, he shall not be asked to sign the interview record.

NOTE: There are several reasons for recording information obtained during interviews. The most important is to ensure information can be secured completely and accurately. Recorded information may also be used to:

- Refresh the interviewer's memory on a topic covered earlier, such as when returning to a topic after using a lead.
- Check responses to repeated questions.
- Point out inconsistencies to the suspect.
- Gain the cooperation of other suspects.
- Compare with information received from other suspects.

Article 71. Methods of Recording

There are three main methods of recording information used during interviews: Own notes by interviewer or a third person present, audio recording, and video recording. These methods may be used separately, or in combination with each other.

Article 72. Own Notes

(1) The Interviewer's own notes shall be the primary method of recording information. When the interviewer takes own notes, he has a ready reference to verify responses to repeated questions or to refresh his memory. They also provide him with the means to record leads for later utilisation.

(2) Using his own notes expedites the interviewer's accurate transferral of information into a report format. When taking own notes, however, he cannot observe the suspect continuously. This may cause him to miss leads or fail to detect losses in rapport or control that are detectable only through clues provided by the suspect's behaviour.

(3) It is possible to lose control, and the suspect's willing cooperation, by concentrating too much on note taking. The interviewer must avoid distracting the suspect while taking notes. They should be taken in such a way that maintains maximum eye-to-eye contact with the suspect.

(4) The interviewer will not have enough time to record each word the suspect says. Thus, he must be able to summarise information into fewer words.

(5) The only information that should be recorded during the approach phase is personal information (name, address etc.). All other information should not be recorded until after the suspect's cooperation has been obtained.

(6) All notes must be complete, accurate, and legible. Notes should be in a recognisable format and complete for other interviewers and investigating judges to use.

Article 73. Using a Sound or Video Recorder

(1) Whenever the necessary equipment is available, interviews of suspects shall be video or voice-recorded in full length. This method allows the interviewer continually to observe the suspect. When compared with note taking, this method allows more information to be obtained in less time. However, extra time is required for report writing because the entire tape must be replayed to transfer information to the report.

(2) As far as available, interviews shall be tape recorded using a single, double or triple deck audio or video recorder. Tape or video-recording of interviews shall be carried out openly to instil confidence in its reliability as an impartial and accurate record of the interview.

NOTE: Taped interviews dissuade the use of high-pressure interview techniques such as threatening the suspect or promising him leniency in exchange for a confession. Recording keeps the interviewer free to focus on the suspect rather than taking notes during the interview. It enables the police officer later to review interview tapes which may reveal details initially overlooked. Further, video and voice-recording reduce unwarranted allegations of misconduct and make it easier to refute such allegations. However, to achieve this, interviews must be recorded in their entirety.

Interview tapes also permit the court and defence to review evidence, such as a confession.

Article 74. Parallel Viewing of Interviews

Another method, to be made available as far practicable, is to have another interviewer or intelligence analyst observe interviews simultaneously by using video cameras to be seen on a screen in another room (or through a one-way mirror that is partially reflective and partially transparent and as such can be used for one-way observation). This method allows the observer to monitor more closely, prepare own interventions and immediately to pass additional questions to the interviewer to follow up on leads.

Article 75. Access of Defence Lawyer to Interview Records

The defence lawyer shall have unrestricted access to interview records, including tapes and videos, from the time they are produced. The police station shall give the defence lawyer the opportunity to examine the records and make copies thereof.

SUB-CHAPTER V. FOLLOW-UP INVESTIGATIONS

Article 76. Follow up Investigative Activities

Follow-up investigations include some or all of the following steps. These procedures should be used only in the event they are found to be necessary. Follow-up investigation may as such include:

1. Reviewing and analysing all previous reports prepared in the preliminary phase;
2. Further interviewing of suspects and conducting additional interviews with complainants, and witnesses;
3. Reviewing departmental records;
4. Seeking additional information from officers of other departments and informants;
5. Reviewing results from laboratory examinations;
6. Arranging for dissemination of information, including to the media;
7. Planning, organising, and conducting searches;
8. Preparing cases for presentation before investigating courts;
9. Seeking warrants and other investigative orders from investigating courts;
10. Identifying and apprehending suspects;
11. Collecting further physical evidence;
12. Determining involvement of suspects in other crimes;
13. Checking suspects' criminal histories; and
14. Appear as witness of the investigations in the trial at court.

Article 77. Investigative Court Orders

The investigator shall submit to the investigating judge applications for investigative court orders during follow-up investigations when appropriate. Court orders for seizures shall commonly be sought to gather phone records, financial documents, and computers or other devices holding digital data.

Article 78. Preparation of Case Investigation Plan

The conduct of police operation involving high profile cases, heinous crimes and complex investigations shall be covered by a Case Investigation Plan that is as brief or extensive as necessary. The Case Investigation Plan may include the conduct of raids, surveillances, stakeouts, undercover assignments and other open and covert intelligence-gathering methods.

Note: A Case Investigation Plan may be short and simple in design. Content must comprise of a strategy and steps on how to gather evidence, including human and material resource allocations.

Article 79. Corroboration of a Confession or Single Witness Statement

If the investigator obtained a confession of a suspect only or only a single witness statement against a suspect, the investigator must seek the evidence corroborated with other evidence. Evidence corroborating a confession or single witness statement may be found following the information given in the confession or witness statement. A case with only an unverified confession or witness statement shall be considered insufficient for concluding the investigations. Corroborating evidence may be circumstantial.

NOTE: Corroborating evidence should be sought to clarify whether already secured evidence is credible. A complaint against a person or a suspect's confession alone may generally not suffice to assume his guilt. Indicative of the credibility of a statement (such as a confession, complaint or other witness statement) is its minuteness on and around the committal of the offence. Those details shall be further examined by the investigator to verify the statement's reliability.

Article 80. Neighbourhood Enquiries

To identify or search for suspects or witnesses, investigators may go from house to house near crime scenes (in the neighbourhood), near possible escape routes of crime perpetrators or at other locations with questions for inhabitants whether they are witnesses of the offence under investigations or can provide information on suspects, victims, witnesses or to obtain other possibly relevant case information. Investigators may prepare questionnaires and instruct other policemen to assist in carrying out the enquiries.

Article 81. Coordination of Follow-Up Investigations with Patrol Officers

Patrol officers may be requested to assist investigators in the conduct of follow-up investigations in all cases not requiring specialised skills in order to increase the effectiveness of patrol officers, to enhance their role, and to provide investigators more time to concentrate on other investigations.

Article 82. Attendance to Court Duties

The investigator, first responders and arresting officers shall ensure their attendance as witnesses during court hearings and supervise and ensure the attendance of other witnesses.

Article 83. Handover of Case from one Investigator to Another after Work Shift

After completion of one's work shift, the investigator shall hand over the case file to the investigating officer that relieves him and shall brief him on all ongoing activities and further necessary actions. The takeover of the case file shall be recorded in the case file.

NOTE: In police stations it is not uncommon that investigators work in 24 hours shifts. Ongoing cases require further processing, in particular those only opened during the last 24 hours. As such, if, e.g., a suspect has been arrested, his questioning by a judge must be arranged by the new investigator. New cases require urgency to follow leads and secure evidence. Case work shall never be suspended until the original investigator returns to his next work shift. Eight-hour shifts may be considered so that the initial investigator can review the work done by the persons that relieved him and continue with the work the next day he returns. Another option may be to have extended day shifts (e.g. 8 to 12 hours) to be followed by night shifts with less staff.

Article 84. Special Investigations

Complex crimes and those committed by crime syndicates require further special investigative techniques and procedures. The following kinds of cases shall be referred to specialised investigative components for follow-up investigation:

1. Homicides;
2. Kidnappings;
3. Rape and other sex offences;
4. Child and vulnerable adult abuse;
5. Search for missing persons who may have become victims of crime;
6. Bank robberies;
7. Car-jackings;
8. Major financial crimes, including forgery and money laundering;
9. Serious organised crime;
10. Cyber-crimes;
11. Serial crimes;
12. Terrorism offences; and
13. Crimes which require investigation outside of limited geographical boundaries.

CHAPTER VIII. FINAL PROVISIONS

Article 85. Identification of the Investigator

Police investigators shall not be obliged to wear uniform during investigations but shall be in possession of special IDs that identify them as crime investigators.

NOTE: Investigators require special IDs to interview suspects and witnesses, arrest suspects, conduct searches, seizures and for other investigating activities.

Article 86. Monitoring and Evaluation of Investigations by Prosecutors

Prosecutors shall always be able to monitor and evaluate the conduct of investigations to contribute to the effectiveness and reliability of the proceedings. Prosecutors shall intervene to ensure that the SOP is adhered to and that suspects, victims and witnesses are appropriately dealt with by the police.

Article 87. Investigation Checklists

For the initial phases of criminal investigations, investigation check-off lists are provided in the Annex of this SOP which shall be used to ensure that critical steps in the investigations are not overlooked.

Article 88. Dissemination of the Standard Operating Procedures

The Local Police, Anti-Crime Section, Anti-Narcotics Department and FIIA shall disseminate the standard operating procedures to all commissioned and non-commissioned officers who conduct or are involved in criminal investigations. The Patrol Police shall distribute the part on first response, the operations room and the checklist on first response to all its staff.

Annex A. COMMON INVESTIGATION SHORTCOMINGS

a. **Missing Equipment** – Crime scene technicians and investigators do not have all equipment ready to conduct proper investigations.

Recommended Remedies: Hold chief of police stations accountable that the crime scene technician and investigators hold available all necessary equipment. Establish a central office in the Ministry of the Interior responsible for allocating equipment to the police stations. Monitor use and availability of equipment from a central and provincial ministry department.

b. **Incomplete Case Folder** – Lack of material documentation of the case under investigation.

Recommended Remedies: Include the police reports in chronological order such as police ledger, spot, progress and final investigation report. Also, append the scene of crime operation reports, forensic reports and photographs. Further, if possible, attach the profile of victim/s and suspect/s, as well as the status of the party involved and the case.

c. **Inability to conduct initial investigations** – Police personnel are not knowledgeable about crime scene preservation and basic initial investigations.

Recommended Remedies: Every policeman must mandatorily undergo training on how to act as first responder in crime incidents and receive a general overview on investigative processes giving priority to those working in the field. Criminal investigators must receive intensive and continuous training.

d. **Inadequacy of coordination** – Investigating judges, crime laboratory experts, police station and Anti-Crime Section investigators, FIIA and other concerned departments and agencies work separately in the conduct of their investigation without sharing information effectively.

Recommended Remedies: Case conferences should be encouraged at the start of more complex investigation. The conferences should be attended by investigating judges, lead investigators, crime scene technicians, crime laboratory specialists and other concerned agencies in order to ensure the coordination of actions to produce sound investigation results.

e. **Failure of police to appear as witnesses in hearings and trials** – Pertains to absence of police investigator during trial to act as prosecution witness due to retirement, transfer of concerned investigator or other reasons for lack of readiness to testify.

Recommended Remedies: Proper turn-over of case folders handled by investigators who shall retire or be transferred, as requisite before the issuance of office clearance. Investigating judges and police in the concerned districts should elaborate a policy to ensure that policemen, who have participated in the investigations, should generally be made available for the courts to appear as witnesses.

f. **Inadequate preservation of crime scenes and physical evidence** – Crime scene not secured, evidence not identified or not properly taken from the crime scene.

Recommended Remedies: All rank and file policemen are to be informed by their supervising officers as to what to do as first responders at crime scenes. All police stations have some non-commissioned officers trained on a basic level to act as crime scene technicians for occasions when crime scene technicians of the Forensic Evidence Directorates are not available.

g. Broken Chain of Custody – Non-observance of proper documentation and procedure in the turn-over of evidence from one officer to another or one office to another.

Recommended Remedies: Documentation on the turn-over of evidence with actual receipt should be observed by supervisors of the transferring offices and non-observance of proper procedure should be the basis for administrative sanctions.

h. Improper interview techniques that lead to false confessions – Investigators utilise harsh interrogation techniques for suspects driven by preconceived notions and prejudices; or by being overly motivated to solve cases fast without seriously attempting to gather other evidence.

Recommended Remedies: More extensive and more specialised training of investigators on investigation and interview techniques. Better management of investigators by supervisors to influence them to apply the appropriate investigative actions as outlined in the SOP.

Annex B. CHECKLIST FOR THE FIRST RESPONDER

ACTIVITY		(Items ticked "No" must be followed up.)	Done	N/A	No
1.	Overview of the Situation				
	Get a comprehensive understanding of the incident and what is required to be done				
2.	Imminent Danger?				
	a.	Check whether the situation still poses imminent danger.			
	b.	Support others to get out of imminent danger.			
	c.	Follow appropriate procedure to eliminate the specific threat. If necessary, take cover.			
3.	Life-Saving Measures and First Aid				
	a.	Check for any signs of life.			
	b.	Provide life-preserving support.			
	c.	Provide first aid to injured persons.			
	d.	Support and coordinate the evacuation of injured persons.			
4.	Inform the Police Operations Room				
	a.	Notify the Police Operations Room on the situation.			
	b.	Inform Police Operations Room about necessary relief and support.			
5.	Identify and Apprehend the Suspect				
	a.	If still at or near the crime scene, apprehend the suspect/s (if necessary with handcuffs).			
	b.	Search apprehended suspect thoroughly for weapons and evidence.			
	c.	Ask the apprehended suspect initial questions near (but not on) the crime scene. If possible, record prompted and unprompted statements.			
	d.	If suspect has left the crime scene, ask victim and witnesses/bystanders about his escape route. Ask victims and witnesses/bystanders about suspect's identity and description.			
6.	Protect Evidence				
	a.	Cordon off the crime scene/s with police line tape or rope or with a car or with any other means . Ensure that the cordoned off area is sufficiently large .			
	b.	Leave the crime scene untouched.			
	c.	Guard the cordoned area/s. Prevent unauthorised person from entering the crime scene (including police and security personnel who are not crime scene managers or investigators!).			
	d.	Witnesses and suspects must not be allowed to enter the crime scene!			
	e.	Preserve the evidence with additional means if necessary (against sun, rain, pollution, traffic).			
	f.	Keep a record of all persons entering the crime scene, pieces taken in or out, and on all other activities.			
7.	Identify Victims and Witnesses				
	a.	Conduct initial and only brief interview with all the people at the crime scene. If possible, note their names, phone numbers and addresses and initial statements.			
	b.	Persuade victims and other witnesses to remain near (but not on) the scene to become available for interview by the investigator.			
	c.	Accompany and care for the victim/s.			
	d.	Victim/s and suspect/s must be kept apart!			
8.	Collect Evidence - Only if evidence might otherwise be destroyed!				
	a.	Wait for arrival of investigators and crime scene managers. Only collect evidence if it is in imminent danger of being destroyed or become otherwise unusable as evidence.			
	b.	Avoid contamination (avoid any two objects/evidence from coming into contact).			
	c.	Check for materials such as fibres and hair suspended in the air.			
	d.	Use available protective clothing (gloves or cloth) when entering a crime scene and collecting trace evidence (do not touch potential evidence with bare hands!).			
	e.	Examine the suspect's and victim's clothes.			

	f.	Cars involved in the crime must be examined on site (cars must be towed if they should be moved to another place; avoid using the seats or if possible use protective clothing).			
9.	Inform Arriving Investigators and Crime Scene Managers				
	a.	Inform and hand over all notes on the crime scene/s to arriving Investigators and Crime Scene Managers.			
	b.	Follow instructions only of Investigators and Crime Scene Managers on crime scene protection management, and orders only by Investigators on handling of suspects and witnesses.			
	c.	Release crime scene/s only upon instruction by the lead investigator.			

NB. The checklist is meant as a guide and not as a substitute for critical thinking. Certain actions may not be applicable while others must be added or done earlier or at a later stage.

Annex C. CHECKLIST FOR THE LEAD INVESTIGATOR

ACTIVITY to be checked whether it has been done ("Done"), is not applicable or not necessary ("N/A") or must still be done or is still not known whether it was done ("Not done"). "Not done" items must be followed up.		Done	N/A	Not done or not known
1.	Information from the policeman who received the incident report			
a.	Document who first received the incident report (operations room, patrol police, other agencies et al.), as well as date and time.			
b.	Recorded how the incidence report was received (in person, by phone etc.).			
2.	Information on who reported the incident			
a.	Record the person who first reported the incident to the police is kept.			
b.	Record his/her address and phone number.			
3.	Actions of First Responders (See also the "Checklist for First Responders")			
a.	Record the Time of arrival of response at crime scene is recorded.			
b.	Name of first responding policeman or officer of another agency is known.			
c.	Crime Scene is cordoned, protected by guards and evidence secured. Only authorised persons had access to the crime scene.			
d.	Suspect/s have been already identified by first responder.			
e.	Suspect/s have already been arrested by first responder.			
f.	Suspect/s made statements to the first responder/s.			
g.	Witnesses have been identified already by the first responder.			
h.	Witnesses made statements to the first responders.			
i.	Investigator has already been briefed by the first responder.			
j.	At the crime scene, upon his arrival the investigator has conducted brief interviews of victims and witnesses.			
4.	Crime Scene Management			
a.	Date, Time of Arrival of Crime Scene Technician has been recorded.			
b.	Crime scene has been documented and the evidence has been preserved, packaged and transported.			
c.	Name of Unit and Name of Responsible Crime Scene Technician is known.			
d.	Investigator got briefed by the Crime Scene Technician.			
e.	Weapons (or tools of crime) have been found.			
f.	Investigator inspected himself the crime scene.			
5.	Forensic Examinations			
a.	The investigator is in contact with the responsible forensic expert. The contact details of the forensic expert are recorded.			
b.	The investigator inspected the crime scene documentations (photos, videos, sketches).			
c.	The investigator received the report with the results of the forensic examinations.			
d.	If not, date for receipt of future Examination Results has been provided.			
e.	Decision has been taken when cordoned crime scene can be released.			
6.	Suspect Tracing and Identification at the Crime Scene			
a.	The Suspect has been identified by name or description.			
b.	The Suspect has been witnessed at crime scene or near the crime scene.			
c.	It has been recorded by whom the suspect has been identified (Victim, Witnesses, Policemen, others). Contact details of identifier are known.			
d.	The availability of CCTV in vicinity of the crime has been checked.			
e.	It has been determined whether there could be accomplices.			
7.	Victim and Witness Identification and Interview			
a.	The victim has been identified and is ready and available to testify.			
b.	If victim died or is hospitalised because of severe injuries, the family has been informed. Interviews with relatives, neighbours, friends, colleagues have been conducted.			
c.	Other witnesses, including bystanders, have been identified and recorded.			

	d.	Questions have been prepared for policemen to support the investigator to act as Enquirers to go from house to house near the crime scene and probable escape route of the perpetrator.			
	e.	The answers received from the house to house enquiries have been examined.			
	f.	The most promising witnesses from those enquiries have been re-interviewed.			
	g.	The licence numbers of parked cars near where the crime occurred recorded and car owners have been identified.			
	h.	Witness/es were formally interviewed.			
	i.	If necessary, witness protection measures have been initiated.			
8.	Track Down and Apprehend the Suspect				
	a.	Neighbouring police stations and other police departments have been alerted.			
	a.	Check-points have been set up.			
	b.	Canine has been employed.			
	c.	The media has been contacted to broadcast appeals to the public to provide information on the location of the suspect.			
	d.	The tracking team for man hunt has been instructed.			
	e.	The investigating judge has been applied to for issuance of a warrant for submission of mobile phone user data near the crime scene by telecommunications companies. Telecommunication companies have been served the warrant to submit lists of mobile phone user data.			
	f.	Preparations for safe arrest have been done. If necessary, the SWAT team has been instructed to carry out the arrest.			
	g.	It has been examined whether accomplices, accessories and witnesses have been around the suspect during arrest.			
	h.	The home of the suspect or other place of his arrest has been searched. For this to be done, a search warrant from the investigating judge had been sought.			
	i.	Evidence seized and analysed.			
	j.	The body of the suspect was searched.			
	k.	If shots were fired during the crime, the possibility of traces of gunshot residues on the victim had been examined.			
	l.	In case of possible gunshot residue or other evidence, the clothing of the suspect was seized.			
	m.	After arrest, the suspect was photographed, physically examined, and the identity verified.			
	n.	The suspect's fingerprints were taken and the samples immediately sent out for examination on previous convictions and unresolved arrest warrants.			
9.	Incident Management Structure				
	a.	If necessary, a Special Investigation Task Force has been set up.			
	b.	If necessary, personnel reinforcements have been assigned.			
	c.	A Coordination-Officer-in-Charge has been appointed.			
	d.	Priorities and directions for investigations have been communicated.			
	e.	Daily briefings are scheduled.			
	f.	Contingency plans are prepared.			
	g.	It has been determined how to involve or not involve the media (on case investigations – such as search of a wanted suspect and missing victim).			
	h.	Other security agencies have been informed and cooperation agreed. The alert has been extended to cover the province or the whole country.			
10.	Suspect Interview				
	a.	The evidence so far gathered has been reviewed in preparation of the suspect interview.			
	b.	The defence lawyer was informed that an interview will be conducted.			
	c.	Audio or video recording is ready for the whole length of the interview.			
	d.	Written documentation of the suspect statements has been produced.			
11.	Review of Case Fact Gathering				
	a.	It has been determined whether enough information and evidence had been gathered to be able to describe the committal of the crime.			
	b.	If necessary, the crime scene has been revisited with the suspect to reconstruct the crime actions.			

	c.	A review of the evidence so far gathered has been conducted with the result that one can assume that the arrested suspect is the perpetrator of the crime.			
	d.	If it appears that the suspect is not the perpetrator, the detainee has been released before expiry of 24 hours since arrest.			
12.	Communications with Investigating Judge and Detention on Remand				
	a.	A report on initial findings and corresponding evidence has been drafted.			
	b.	The suspect has been presented for hearing to the investigating judge together with the report before expiry of 24 hours since arrest.			
	c.	The investigator applied to the investigating judge to render a decision on detention on remand or bail (in case of offences punishable with 3 years imprisonment).			
	d.	The investigator presented the detainee on remand together with investigation updates every 15 days before the investigating judge for a decision on extension of remand, to grant bail or to have him unconditionally released.			

NB. The Checklist is a tool of the investigator to determine whether necessary actions have been taken. The Checklist is meant as a guide and not as a substitute for critical thinking. Certain actions may not be applicable while others must be added or adapted or done earlier or at a later stage. The Checklist shall be part of the case file.

