



The Republic of Somaliland Police Force



# Standard Operating Procedure Crime Investigations

Criminal Justice Compendium  
for Somaliland



**UNODC**

United Nations Office on Drugs and Crime

# **Standard Operating Procedure Crime Investigation**

**Criminal Justice Compendium for Somaliland**

**February 2015**



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### **Standard Operating Procedures Team**

#### *Research, writing and editing:*

David James Davis (Consultant).

ROEA and Somaliland CJP personnel who provided support to the preparation and publication of the Standard Operating Procedure for Crime Investigation in Somaliland:

Rebecca Nyandiwa, Mohamoud Hassan and Abdifatah Mohammed.

#### *Translation support:*

Tubali Ltd.

#### *Layout and design:*

400 Communications Ltd.

## **Supervision**

Loide Lungameni (UNODC ROEA Representative), Matteo Pasquali (UNODC ROEA Head of the CJP), Simon Charters (UNODC Programme Coordinator CJP Somaliland).

### **Experts consulted in the preparation of the Standard Operating Procedure**

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## **Disclaimers**

This document has not been formally edited.

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# 1. Introduction to the Standard Operating Procedure (SOP) - Crime Investigation

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One of the primary roles of the Police in Somaliland is to prevent and investigate crime in an effective, efficient and fair manner. This function is an essential part of the wider role of the Police to ensure the community safety of all its citizens.

In order to deliver an effective and efficient investigative function, the Police needs to have and work to a structured and documented operational procedure that is standardized, is in accordance with the laws governing the investigation of crime, is human rights compliant and reflects international best practice.

The generic name given to such a document is 'Standard Operating Procedure' (SOP). The benefits of working to a set SOP include:

- **Standardised Investigative Process**

This enables a consistent approach to investigation.

- **Common Methodologies**

This delivers the best methods to complete the various stages of an investigation.

- **Development of Best Practice**

This identifies and encourages improved and better ways of working and discourages bad practice.

- **Professional Standards**

This delivers recognised processes, procedures, supervision and minimum standards.

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## 2. Background to the preparation of the ‘SOP - Crime Investigation’

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In order to deliver a SOP for Crime Investigation, the Somaliland Police Commissioner authorised the establishment of a committee of representatives from the Somaliland National Police Service who have specific and detailed knowledge, skills and experience of investigating crime and managing investigations.

The Somaliland Police Representatives included the Head of National CID, Head of CID Investigations, Head of National Special Branch, Hargeisa Regional Police Commander and the Police Training and Curriculum Advisor

The purpose of the SOP Committee was to:

- Identify current ways in which crime is investigated in Somaliland, taking into account regional differences and current best practice.
- Develop improved ways of conducting such investigations with increased emphasis on professionalism and management supervision.
- Recommend improvements in procedure with particular emphasis on introducing international best practice
- Document the key processes, procedures and supervisory functions for crime investigation in an SOP.

The SOP Committee was supported in their work by crime investigative experts from the United Nations Office on Drugs and Crime (UNODC), Hargeisa Office, Somaliland.

The SOP also incorporates elements of the Serious Crime Operations - Training Manual which is a separate document prepared for the Somaliland Police by UNODC.

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## 3. Key Roles in Crime Investigation

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In order to deliver and maintain an effective criminal investigative process, a number of key roles are critical to the process at the police station and regional level. They are listed in chronological order of use in crime investigations:

**Occurrence Book (OB) Writer.** The OB Writer is normally the first police contact with a victim or third party who is reporting a crime, and they are normally located in a specific 'reception' office at the front of a police station.

The OB Writer is responsible for recording details of all crimes and incidents that are reported for the local police area in the police station Occurrence Book (OB), which is the primary document used for this purpose.

**Investigator.** The Investigator is normally an experienced officer who is based in the local police station and has a primary responsibility for the investigation of reported crime.

**Duty Officer\*.** The Duty Officer is a person who is on call or present in the police station during a 24 hour period. He is an experienced officer who is responsible for managerial oversight of the effective running of the police station.

**Head of Investigations.\*** The Head of Investigations is responsible for the management and supervision of all criminal investigations conducted for the local police area.

**Station Commander.\*** The Station Commander is in overall command of the local police area and the police station, and is directly responsible and accountable for all police investigations and police activity.

**Regional Commander.\*** The Regional Commander is in overall command of a Somaliland Police Region and is directly responsible and accountable of all policing activity in the region

\* For the purposes of this SOP these roles are also referred to as Police Managers.

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## 4. Key stages in Crime Investigation

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The SOP Committee identified and agreed six key stages of the investigation process in Somaliland. These stages relate to all types of crime and comprise:

1. **Dealing with the initial complaint / report**
2. **Planning the Investigation**
3. **Interviewing Victims and Witnesses**
4. **Examining Crime Scenes and Searching**
5. **Arrest and Interviewing Suspects**
6. **Completing the Report to the Prosecutor**

In the majority of cases, each investigation will commence with stage 1 and then - dependent on the nature of the crime being investigated - will proceed through each element to stage 6.

Some investigations may conclude prior to stage 6, for example investigations that reveal that the initial complaint was false or misleading, or that the evidence is clearly insufficient to merit the completion of a prosecution report.

It is also possible that some crime investigations may commence at a different stage in the process. For example, an investigation may start with the arrest of the suspect at stage 5, but it will still be necessary to backtrack through the relevant stages prior to this stage in order to fully complete a competent investigation.

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## 5. Definition of ‘Serious Crime’

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In order to set a distinction between serious crimes (i.e. those crimes that require an urgent and specialist response), and lesser crimes that can be investigated in a more routine manner, the SOP Committee determined that serious crime is defined as:

- Murder
- Rape and Sexual Crime
- Robbery
- Serious Assault
- Kidnapping
- Corruption
- Arson
- All acts of Terrorism
- All acts of Piracy
- All acts of Human Trafficking
- All acts of Drugs Trafficking
- Any attempts or conspiracy to commit the above
- Any other crimes that result in serious physical injury to a victim
- Any other crime which can result in a term of imprisonment of five years or over, as determined by the Penal Code

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As part of the recording and investigative process, the Somaliland Police use a number of official police records:

### **Occurrence Book (OB)**

The OB book is the single most important police crime/incident record in use in Somaliland and is used in all Police Stations across the Somaliland.

It is used to record the detail of all formal complaints to the police, records the details of suspects arrested, and in some cases it may record the results of crime investigations.

It is important to note that it is only used to record offences that are determined as ‘crimes’ under the Penal Code and not the lesser offences determined as ‘contraventions’.

It is used as a source and reference document by the Police Managers who have a responsibility to provide oversight, supervision and direction to criminal investigations.

It is also used as a primary recording document in some specialised units, such as HQ, National CID and the Sexual Offence Referral Centre.

It is a source document that is used to provide the annual crime statistics of Somaliland.

### **Crime Register**

This is a register that is similar to, and follows on from, the OB book. It is used to record the detail and progress of specific investigations, and it is cross referenced back to the OB book at the local police station where the crime was first reported.

It is currently used by HQ CID, and it is believed that it is also used in some of the larger urban police stations.

### **Prisoner Property Register**

This document is believed to exist in most police stations and is used to record the detail of all property that is taken from suspects who are arrested and placed in detention at a police station.

### **Exhibits Register**

This document is also believed to exist in most police stations and is used to record the detail of all physical evidential exhibits that are recovered by the police and kept for subsequent production to a criminal court.

### **Investigation Report**

The police generally use an investigation report format that follows a certain style and structure. This is an unwritten process that arose from much earlier, but it is a since-lost documented procedure, and its continued use is perpetuated by the memory and practice of the older police officers. It is generally a very robust and well-presented report style that covers the chronology of the investigation, to include reference to key evidence from victims, witnesses and suspects.

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## Police – Prosecution Case File

During the investigative process, the police will prepare a case file to some sort of standard format. This is very much dependent on local practice and the availability of older and more experienced supervisors who still remember historic best practice.

The types of case file fall into two distinct groups:

- **Serious Crime**

For serious criminal investigations, the police generally use a pre-printed docket folder that contains a structured record of a case file, which will include victim and witness statements, crime scene records, suspect interviews, and investigation reports etc.

- **Minor Crime**

For minor criminal investigations the police generally use plain folders and will again include victim and witness statements, suspect statements and investigation reports etc.

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# 7. Dealing with initial Complaints / Reports

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This is one of the most critical stages of a crime investigation, so the Police must immediately work to the 'Golden Hour' principle that is the 'conceptual hour' at the start of any investigation when the greatest opportunities to recover evidence occur.

As investigative time progresses, the opportunities for evidence recovery will decrease, potential witnesses will be lost, crime scenes will deteriorate and suspects will escape.

## General Actions:

### First Responder (Any Police Officer)

- Immediately locate, identify and protect the victim.
- Be particularly responsive to 'Vulnerable Victims and Witnesses', such as:
  - Women
  - Children (Under 15)
  - Elderly
  - Infirm or Sick
  - Displaced Persons
  - Mentally Ill
  - Refugees
- This should include affording special protection to additional 'High Risk' groups such as victims and witnesses of serious crime where there is a potential risk for the person to be subject to assault, revenge or reprisal attack.
- Where appropriate, use female officers to deal with female victims and witnesses.
- In the case of child victims ensure that one or more of the parents are present - if not, use relatives.
- If a victim is injured make sure they receive immediate medical attention from a doctor or are taken to a hospital.
- Note their physical condition and general demeanor.
- Ensure that their initial account of events is recorded as evidence.
- If the suspect is present ensure they are arrested and searched (see the Arrest and Search section of the SOP for more detail).
- If the victim is making an allegation of a serious sexual crime, such as rape, the victim must be examined by a competent doctor at the earliest opportunity.
- Details of the examination must be recorded by the doctor and presented in written form as part of a witness testimony.

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## **OB Writer**

- Make an initial assessment of the nature and seriousness of the crime.
- If it appears to be a serious crime make sure the following persons are notified immediately:
  - Duty Officer (this person can inform the below)
  - Head of Investigations
  - Station Commander
  - Regional Commander
- If the crime appears to be of a minor nature ensure that the Duty Officer is informed at the earliest opportunity.
- For both serious and minor crimes, make a detailed entry in the station OB book, where possible from the account given by the victim. If this is not possible, use the account of a witness or third party representative of the victim.
- Record brief details of the allegation and identify and record the principal criminal offence that appears to have been committed, along with the relevant article from the Penal Code.
- Ensure the OB entry is signed in a style that makes the name readable.
- Ensure that Supervisory Officers are shown the detail of the entry, and are given the opportunity to sign the entry.
- Ensure any follow up details (such as more suspect information etc) are entered into the OB book as soon as practicable.
- Also ensure that the following records, where they exist, are also made:

### **Crime Register**

Details of the crime and criminals

### **Prisoners Property Register**

Details of seized prisoner's property

### **Exhibits Register**

Record of all potential evidential exhibits

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## Duty Officer

- Ensure that all immediate police actions are carried out, such as:
  - Victim is provided with urgent medical assistance where necessary;
  - Any suspects arrested are taken to police station and kept secure;
  - Any property or potential evidential exhibits are correctly recorded and placed into safe police storage;
  - Details of witnesses are recorded, and
  - Crime scenes are identified and initial efforts made to keep them secure.
- In the case of an emergency, identify and assign Investigators to the case.
- Deal with all initial contacts with the media, including providing any initial press briefings or requests for media calls for witnesses or information.
- In the case of serious crimes, ensure that the Station Commander, Head of Investigations and Regional Commanders are notified.
- Identify the victim's family, and ensure they are kept informed of the condition of the victim and where appropriate the progress of the investigation.

## Head of Investigations

(This may also be the role of an Investigator in cases of minor criminal investigations.)

- In consultation with the Station Commander, assign or confirm the assignment of the Investigator(s) to the case, ensuring that the officer(s) chosen have the right knowledge, skills and experience to conduct the investigation.
- In cases of serious crime, assume the role of 'Senior Investigating Officer', which includes taking responsibility for all policy and decision-making elements of the investigation.
- At the earliest opportunity carry out a review of all the police actions taken to date and, where necessary or relevant, carry out or order any remedial actions.
- Establish whether a crime has occurred - this will include checking all known facts, identifying any gaps in knowledge, and taking actions to improve the evidential facts of the case.
- If suspects have been arrested and taken into police custody, ensure they have been properly searched, initial evidence of the arrest has been recorded, and all their property and any potential evidence recovered and stored safely and securely.
- Take over responsibility for the identification and security of potential crime scenes and make urgent arrangements to have them examined.
- Identify key locations where 'house to house' enquiries may provide a source of potential witnesses or evidence to the investigation, and direct that those enquiries take place.
- Provide the Investigator(s) with sufficient resources to undertake the investigation, i.e. transport, logistics and communications.
- Consider early liaison with the Regional Prosecutor's Office.
- Take over media responsibilities from the Duty Officer, in consultation with the Station Commander.

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## Investigator

- At the earliest opportunity commence a written 'Diary of the Investigation'. This should include as a minimum the following information:
  - Date and time investigation commenced
  - Brief details of the crime or incident
  - Summary of the evidence / complaint
  - Initial police actions
  - Police decisions on how to commence the investigation
  - Record all investigative steps:
    - Victims interviewed, with a brief summary of their evidence,
    - Witness interviewed, with a brief summary of their evidence,
    - Searches and crime scene examined, with a summary of the result,
    - Suspects interviewed, with a brief summary of what they have said, and
    - Names of the Investigator(s).
- Details of initial and priority lines of investigation.
- Record the Supervisor's review of the investigation, including decisions made.
- Details of liaison, contact and meetings with Prosecutors.
- Any other relevant information that has an impact on the investigation.
- The diary of the investigation must then be maintained on a regular basis and must record, in chronological order (date and time), all decisions and actions taken during the investigation.
- Make arrangements to record a full statement of evidence from the victim(s), to include the identification, recovery and presentation of evidential exhibits.
- Treat the victim as a potential 'crime scene', so consider taking photographs and making notes of the victim's general condition and demeanor.
- Identify 'key witnesses'. These are the persons who can have the potential to provide the most critical evidence to the subsequent investigation.
- Ascertain a brief account of what they have seen or what other evidence they can provide.
- Make arrangements to record a full statement of evidence from witnesses at the earliest opportunity.
- Ensure that witnesses are kept separate and interviewed in private.
- Consider urgent 'house to house' enquiries in the vicinity of the potential crime to identify further witness and recover evidence.
- Each Investigator must ensure that they have access to, and carry, a personal pocket notebook. This must be used to record the chronological list of events at this stage of the investigation.
- It must be used to record evidence such as that listed in the actions section above, which includes the recovery of physical evidence.

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- The notebook is a key evidential document and as such it must be kept secure.
  - It must not be disclosed to persons not involved in the investigation.
  - When it is full it must be kept in a safe location and be available for recovery as an exhibit for court purposes.

#### Station Commander

- In the case of a serious criminal investigation, and in consultation with the Duty Officer and the Head of Investigations, review all police actions taken to ensure that there has been an effective and appropriate response.
- Take responsibility to brief and keep the Regional Commander aware of the detail, nature and progress of serious criminal investigation.
- Ensure that there is no ongoing or potential disorder.
- In the event of further disorder or crime, ensure an appropriate police response such as the use of a preventative police presence and patrolling.
- If necessary, order the carrying out of any remedial or new actions that are deemed necessary.
- In particular, ensure that the victim(s) has/have been dealt with correctly and ensure the police provides continued support to the victims(s) and their families.
- Ensure that the initial complaint / report is recorded in the OB Book for the Police area where the events are believed to have taken place.
- Where a HQ Occurrence Book exists, this must also be completed and it must be cross-referenced to a Local Police Station OB book entry.
- Ensure that all the information recorded in the OB book is accurate and includes details of who is dealing with the investigation.
- Some Police Stations and Headquarters Units also maintain a Crime Register. Where this Register exists, ensure it is completed accurately and cross-referenced to the relevant OB Book.
- Ensure the effective and continuous supervision of the investigation.

#### Regional Commander

- The Regional Commander is responsible for the overall effectiveness of policing in all the areas and stations under his command, and this includes being aware of and ultimately responsible for criminal investigations.
- In the case of a serious crime, the Regional Commander should ensure that the Police Commissioner is informed and kept fully briefed on the status and progress of such investigations.
- Particular importance should be placed on monitoring the community impact of the serious crime to ensure that any potential or existing conflicts are dealt with appropriately.
- The Commander must also ensure that the local police has sufficient resources to deal with investigations and, where necessary, they should provide additional resources when circumstances demand.

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This part of the investigation requires that the Investigators and Police Managers involved in the investigation should ‘step back’ and assess exactly where the investigation now sits. The best way to do this is to ask a number of critical questions of the process thus far:

- What have we got?
- Is it sufficient to complete the investigation?
- If not, what more do we need?
- How do we go about it?
- What are the risks involved?

In answering these questions the Police will be able to develop a clear investigative plan which takes account of as many known factors as possible.

## Planning Meeting

- At a very early stage in the investigation of a serious crime, and at key points thereafter, the Station Commander should ensure that there is a formal planning meeting with the Head of Investigations and Investigators to discuss the progress of the investigation.
- This must be recorded in the diary of the investigation, especially decisions made in relation to the direction of the investigation.
- This should not preclude the regular informal meetings and discussions that naturally take place in any investigation.

## Investigator

- Document and compile a summary of all the evidence collected to date in chronological order.
- Consider compiling a ‘timeline’ of all known events to support the above.
- Sort the material into victim and witness evidence statements, plus supporting exhibits.
- Carry out a quick ‘read’ of all the material to ensure complete knowledge of what has been achieved.
- Draw up a list of what further investigations need to be undertaken.
- Break this list down into ‘urgent’ lines of enquiry, i.e. those that need to be prioritised for immediate action, such as:
  - Identify and interview key witnesses
  - Identify further victims
  - Identify potential crime scenes
  - Identify other locations that need to be searched for evidence
  - Search and arrest suspects
- Then consider the less than urgent actions that need completion:
  - Notify Senior Police Managers of the progress of the investigation
  - Begin liaison with the Prosecutor

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- Consider Press and Media briefings
  - Begin preparing an outline of the Prosecution Report

### Head of Investigations / Station Commander (Police Managers)

- Police Managers need to ensure that they continue to be involved in the management, supervision and oversight of all crime investigations, but especially serious crime in their police area / station.
- This should also involve the more experienced officers sharing their knowledge and experience with junior officers at every opportunity.
- Management supervision should also include ensuring the ongoing welfare of victims of crime and the safety of witnesses, especially those investigations involving vulnerable persons and victims of sexually motivated crime.
- At both the initial planning stage of the investigation and at subsequent meetings consideration must be given to ongoing media relations that should include exploiting opportunities to use the media to identify more information about the crime.
- In the case of serious crime Police Managers also need to consider the following issues :

### Personnel

Ensure that the right number of Investigators are assigned to each investigation. This should include increasing officer numbers and specialist skills where circumstances dictate.

### Logistics

Consideration must be given to providing each investigation with the necessary transport, office space and stationery to be able to complete the work.

### Communications

This is a critical element in any investigation and in most circumstances individual Investigators use their own cell phones that will be sufficient, but in certain circumstances, such as pre-planned searches and arrests, consideration must be given to the use of VHF Police Radios.

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This is the critical evidence recovery part of any crime investigation and it is where the Investigator seeks to obtain evidence to corroborate and support evidence collected from other sources, such as crime scenes.

## Key issues before interviewing

Before the Investigator conducts interviews with persons who are either victims or witnesses of the crime, they must consider and adhere to the following principles:

### **Safety and Security**

The safety of the victims and witnesses of crime is of paramount importance to the police and they must do everything in their power to ensure that their safety and security is protected. This may include interviewing them in secure locations, or providing them with protective guards and transport to police stations and courts etc.

### **Duty of Care**

The police have an overall duty of care to victims and witnesses of crime that extends beyond security. This means, for example, the police must remain in contact with the victims and witnesses of crime and ensure they are kept updated as to the progress of the investigation.

### **Confidentiality**

The identify of victims and witnesses, and the extent of their evidence, must be kept in confidence by the police, must not shared with police officers or others not directly involved in the investigation, and may only be provided to the prosecutor and the courts. This protocol upholds the safety and security responsibilities of the police.

### **Respect and Understanding**

Victims and witnesses must always be treated with respect by the police, irrespective of their clan or their ethnic or religious background. This should also include treating them with personal understanding, especially those victims who have been subject to a sexual crime.

## Investigator

- It is essential that the Investigator progresses this part of the investigation as quickly as possible.
- The longer that time passes the less opportunity there is to get the best possible evidence.
- Arrange for a suitable location to interview the victims and witnesses. Where possible this should be a suitable room in a police station.
- Ensure there are sufficient chairs and a table in the room.
- Use a plain room with no pictures or other distractions on the walls or elsewhere.
- In the case of victims and witnesses from rural and remote areas, they should be interviewed at their homes or in a suitable location nearby.

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- In serious criminal investigations two officers should take part in the interviews; for minor crimes one officer will be sufficient. This is especially important in cases of serious crimes such as murder, robbery and sexual crime etc.
  - Do not pre-judge a victim or witness by the way they look, speak or their personal background - this is very important and prevents investigator bias.
  - If there are potential threats to the victim or witnesses, consider arranging to collect them from their homes by covert means and escorting them to and from the interview location.
  - If a large number of persons are involved, prioritise, and arrange to interview the victims first. Then arrange to interview the key and more important witnesses next.
  - Where possible keep the witnesses apart in order to prevent them talking to each other. If you don't this may contaminate their personal recall of events.
  - Prior to the interviews make sure you prepare a summary of the evidence recovered thus far, as per the planning stage.
  - Ensure you and other Police Officers involved in the interviewing read the summary and any statements of evidence already taken.
  - Prior to each interview carry out background checks into each victim and witness.
  - Identify any vulnerable or child victims and witnesses, and ensure that you have another responsible adult or parent present at the interview.
  - Make sure you have sufficient paper and pens to complete each interview.
  - Have storage bags or similar articles to collect any material evidence that may be admissible in court as exhibits.
  - Prior to each interview consider preparing an interview plan, i.e. what do you know about the victim's or witnesses' potential evidence contribution, and how are you going to go about recovering that evidence?
  - During the actual interview follow a structured approach:

### **Stage 1 - Building Rapport**

This means sitting down with the interviewee and, after introducing everyone present, using the initial period to get to know the person and making them comfortable with the interview environment and explaining the purpose of the interview.

The interviewer must also tell the persons that they must tell the complete truth during the interview and mention that any evidence they provide may have to be given in future to a court of law.

### **Stage 2 - Obtain a Narrative Overview**

This means asking the interviewee to provide a brief summary of what happened to them or what they have witnessed. Allow the person to talk in their own way and at their own speed. During this session the investigator should take relevant notes that will assist in the next stage of the interview.

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It may assist the interviewer to consider using the following set of questions in order to help prompt a victim or witness:

- What happened
- When did it happen
- Where did it happen
- Why did it happen
- Who was involved
- How did it happen

### **Stage 3 - Obtain a Detailed Chronology**

At this point the interviewer should then record, in the first person and in writing, a detailed and (where possible) chronological account of the events recalled by the interviewee, and should - where necessary - prompt the interviewee's memory and clear up any ambiguities as the interview progresses.

Where possible the interviewer should only ask 'open questions', i.e. what did you see or hear? They should restrict or do not use 'closed questions' (i.e. did you see the suspect hit the victim?) as this tends to inhibit the victim's or witnesses' account of events to a yes and no type answer.

The written statement must include the following details at the top of the statement:

- Title 'Somaliland Police'
- Subject matter
- Date / time of interview
- Name of victim / witness
- Address / telephone number
- Mother's / father's names
- Type and place of work

### **Stage 4 - Conclude the Interview**

At the conclusion of the interview, read the statement back to the interviewee and allow an opportunity for them to add, alter or correct anything they wish, and then ask them to sign each page of the statement.

All Police Officers present during the interview must also sign each page of the statement in a legible form. Additionally:

- Ensure that a summary of the evidence of each victim and witness is recorded in the diary of the investigation; this will assist in the later preparation of the Prosecution Report. This should also include any comments on the credibility or otherwise of the person providing the evidence.
- Also note the evidential exhibits produced by each person.
- Record when decisions are made to re-interview victims or witnesses, noting the reasons why.

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- Statements must not be disclosed to any person who is not connected to the investigation, such as other Investigators, Supervising Officers and the Prosecutor.

#### Head of Investigations / Station Commander

- Police Managers need to ensure that they continue to be involved in the management, supervision and oversight of all criminal investigations, but especially in serious crime investigations in their police area / station.
- In the case of victim and witness evidence, they should ensure that key persons have been interviewed in an appropriate manner and that the statements of evidence have been correctly recorded.
- They should review each of the statements taken at regular intervals to ensure that the evidence supports the purpose and direction of the investigation.
- They should also review the plans for further interviews to ensure that the overall investigation is proceeding in the right direction in order to complete any investigation at the earliest opportunity.
- The interview process will also assist the managers in assessing the performance of the investigators and guide any necessary remedial or corrective action.

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The examination of crime scenes, and the generic searching of places, locations or vehicles for evidence, involves very similar disciplines.

However, for the purposes of this SOP they are dealt with as two separate subject matters so as to ensure that Investigators and Police Managers fully understand the specific legal and operational differences.

## Crime Scenes

The identification, securing and recovery of evidence from crime scenes is a challenging part of the Investigator's duties, as it is generally labour, time and resource intensive. This is made even more difficult if the crimes being investigated have taken place in more than one location and involve multiple victims. The crime scene can present itself in a number of ways, and may not be immediately obvious to the Investigator or initial attending officers. Locations of a crime scene may include:

- The victim.
- Witnesses.
- Routes to and from the scene.
- The suspect.
- Weapons (including live and spent ammunition).
- The suspect's home address or other premises.
- Vehicles (including boats and caravans).
- Dump sites (including the victim, clothing, weapons, or stolen property).

The crime scene can be all of these things. Simply put, it is any place or thing where there is an opportunity to identify and recover evidence of the crime or criminal activity. This can be real evidence such as weapons in incidents of violent crime; it can be forensic evidence such as fingerprints, and it can also be visual evidence such as photographs, search notes and sketch plans of the scene. The purpose behind examining crime scenes can be:

- To recover evidence of a crime.
- To link the suspects to that evidence.
- To identify victims and potential witnesses at the scene.
- To identify and arrest suspects at the scene.
- To provide information that may help the Investigator to develop lines of enquiry that may lead to other sources of evidence.
- To record the physical layout of the scene in such a way as to aid further investigation.
- Provide the Investigator with a record of the scene to enable a comparison and evaluation of victim and witness evidence.
- Provide the Investigator with a record of the scene to enable comparison and evaluation of the interviews and accounts of suspects.

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- Provide the Court with a picture of a crime scene(s), which will serve to aid the court in understanding the extent of crime.

### Investigator

- At the earliest opportunity identify the crime scenes as per their type, such as person, place or vehicle etc.
- Compile a list of each crime scene, and prioritise which should be dealt with first and then in what order.
- The highest priority should be the crime scenes that involve the victim.
- At the scene, the Investigator must achieve immediate control by setting a cordon or barrier around the scene.
- A record must be commenced recording the time of arrival and the movement of all persons and evidence to and from the scene.
- In a serious crime investigation this role should be given to a nominated Officer, ideally pre-trained in the role, who should keep a contemporaneous record as above.
- If this Officer leaves the scene for any reason they must be replaced and the record handed over to another Officer.
- Access to the scene must only be permitted to persons who have been given prior permission by the Investigator.
- At this point a rapid assessment must be conducted to identify and deal with any real or potential dangers to those present, for example where armed suspects, weapons or unexploded devices may be present.
- Once any dangers have been dealt with or excluded, the Investigator needs to set operational priorities, which could include providing immediate help to victims, arresting suspects or identifying key witnesses.
- Once this has been achieved the Investigator must then begin the process of examining the scene and organising the recovery of evidence and any other information that may assist the investigation.
- The next stage should involve making notes and a sketch plan of the scene, showing the positions of the victims, suspects, witnesses, key evidence and other relevant material. This should be complimented by the taking of photographs that should be used as corroborating evidence to the notes and sketch plans.
- The Investigator should be directly responsible for deciding what material should be taken from each crime scene.
- Each item should be carefully recorded and placed, where appropriate, in a suitable bag or container.
- Again, in serious crime investigations this role should be undertaken by a nominated Officer, ideally pre-trained in this role.
- At the conclusion of the crime scene examination the Investigator will need to decide whether to vacate the crime scene or keep the scene secure to permit later re-examination.
- Ensure that a summary is compiled of the actions taken at each crime scene, and the evidence recovered is recorded in the diary of the investigation; this will assist in the later preparation of the Prosecution Report.

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- The Investigator should also include decisions made about retaining crime scenes for later re-examination, and decisions made to not search other potential crime scenes.
  - A record should be kept for each crime scene, which should include the date and time the scene was first secured, by whom (names), and a chronological record of everyone who arrived and left the crime scene until such time as the scene was vacated.
  - A description of the crime scene, including the type of scene (person, building, vehicle etc) location and address should go on the record.
  - Detail and cross-reference to other crime scene records, such as the crime scene log, sketch plans, photographs and the record of items recovered.
  - Include a diagram showing an outline of the scene, the positions of victims, suspects, witnesses, key evidence and other material recovered.
  - Include a list of the photographs taken, by whom, and a description of each image, plus copies of each image.
  - Include a detailed list of all the items taken from the scene including sequential numbers of each item, a description of the item, location found, why it was recovered, by whom and where it is stored.
  - Statements of evidence should be completed by each Officer who is responsible for searching, locating and seizing evidence that may be presented to Court as exhibits.

## Searches

The search of persons, premises, vehicles and other places, and seizure of material, are important parts of the duties of the Investigator, and therefore they must be planned and undertaken in a systematic and professional manner.

Failure to do this could result in any evidence recovered from searches being rendered inadmissible, and the suspect potentially escaping conviction.

In many ways a search can be similar in practice to a crime scene examination, and therefore the Investigator should follow some of the practices and disciplines from this area such as cordoning off the site of the search, taking photographs, drawing sketch plans and making notes of the various aspects of the search location.

Search and seizure should only apply after ensuring the following considerations are fully addressed:

### **In accordance with the Law**

The search and seizure activities of the Police must be in full accordance with the law, whether the search and seizure is undertaken without warrant or on a warrant issued by a Court.

### **Based on Sound Information**

All too often the Police undertake speculative searches based on inaccurate or untried information; this can lead to public disquiet and does little to encourage the public to assist the Police in their duties. It is therefore

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essential that search and seizure should only take place where clear and provenanced information indicates that persons or evidence will be recovered.

### **Conducted in a Reasonable Manner**

Search and seizure must be conducted in a professional manner and in a systematic way so as to maximise the opportunity to recover relevant and admissible evidence.

#### **Why search and seize**

The reasons for search and seizure as part of criminal investigations can be driven by a number of factors, such as:

#### **To identify and arrest Suspects**

For example, during a murder investigation information is received which indicates that the suspect believed to have killed the victim is hiding in the home of a family relative.

#### **To recover evidence of a Crime**

For example, during a rape investigation information is received that indicates that the clothing and a weapon used by the suspects are hidden in a motor vehicle in a commercial warehouse.

#### **To rescue Victims**

For example, during a human trafficking investigation information is received that several of the victims have been locked in a room at the back of a large house.

#### **To recover stolen Property**

For example, during a robbery investigation information is received which indicates the stolen money is hidden in a boat near to the home of the suspects.

Search and seizure can take place in two types of circumstances:

#### **Immediate response to events (Urgent Operations)**

This normally occurs following the arrest of suspects found actually committing the crime or at sometime shortly after, or in unplanned circumstances later in the investigation.

#### **Pre-planned Operations**

This normally occurs in longer-term Police investigations where, during various stages of the operational plan, it becomes clear that there is a need to search certain places where evidence may be recovered.

#### **Operational Planning**

In order to conduct effective search operations (this could also include arrest operations which are dealt with later in this SOP), the Investigator should consider using some form of operational plan.

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The following model, IIMARC, is recommended as best practice in operational planning and should be considered by the Investigator and Police Managers:

- **Information**

What do we already know about the search location and all the surrounding facts? For example, information indicates that stolen property or weapons used in a crime are stored and/or are hidden at the location.

- **Intention**

What do we intend to do with the information? For example, as above, we intend to obtain a search warrant to visit the location at a certain time and date and carry out a search for the property or evidence of the crime.

- **Method**

What method do we intend to use to carry out the search? For example, as above, we plan to deploy three separate teams by vehicle to enter the location and conduct a detailed search, to record all material as potential evidence of the crime and remove the items from the location to secure police storage.

- **Administration**

What administration will we use? For example, as above, each of the three teams will be issued with search forms, search bags and cameras, and will ensure that all elements of the searches are recorded, and at the conclusion of the search all recovered evidence shall be recorded in the police exhibits register.

- **Risk**

What are the risks involved in conducting the operation? For example, as above, what are the known or potential risks to the operation, is there information saying that there will persons at the location carrying and likely to use firearms, could there be explosive devices or other dangerous material or any other thing that might pose a risk to Police deploying to the location? If there is existence of a risk this should not prevent a search operation, but it may make it necessary to plan to remove or reduce the risk.

- **Communications**

What communications should be used? For example, as above, if personal telephones are to be used or police VHF radios, each device and user must be identified by a call sign system and a system of communications discipline must be introduced.

## Investigators

In making decisions on the need and urgency to search, the Investigator needs to have as much information as possible. The minimum should be a system to retroactively record and deal with the following:

- **Details of the arrests**

Names of persons arrested, location, time, by whom etc.

- **Details of searches carried out**

Persons, vehicles and premises searched, by whom, notes taken.

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- **Police Officers present**

Name, rank and what role each Officer performed in the search.

- **Evidence recovered**

Detailed list of what was recovered, why it was seized, where and when it was found, any explanations of persons present etc.

- **Where evidence is stored**

A concise list of the evidence and property recovered, the chain of custody record to cover from point of seizure to where it is now stored.

- **Detailed Plan**

This should include detail of the information that is directing the operation, the intent and purpose of the operation, search methods to be used and who will be in operational control.

- **Legal Considerations**

In these types of operations it will be necessary to obtain the right type of search warrant from a Court.

- **Briefing**

All the Police Officers involved in the operation should be given a full briefing on the purpose of the operation and their part in it.

- **Team Responsibilities**

Dependent on the size and extent of the operation, the Police Officers should be assigned team and individual responsibilities.

- **Evidence / Exhibits Officer**

A suitably trained or experienced Police Officer should be nominated to the role, and will be responsible for ensuring that the records of evidence, detailed below, are fully completed. They will also be responsible for ensuring that all the evidence and any other material recovered is moved into safe and secure Police storage.

- **Search Equipment**

Again, dependent on the extent of the operation, search equipment should include items such as tools to open locked or inaccessible areas, torches or other forms of lighting and bags or boxes to carry and store evidence.

- **Transport**

Suitable transport should be arranged to allow for the transportation of Police to / from the search locations, and importantly the right capacity to move evidence and maybe even persons from the search location.

- **Communication**

Suitable communications should include cell phones, communications discipline and, where possible, personal radios.

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- **Records**

Suitable search records should be used to record each search scene, what is identified and what evidence is recovered, including the chain of custody.

- **Photographs and Plans**

Consideration should be given to photographing each element of the search and, in particular, each occasion when evidence is located and seized. Sketch plans should be completed for the scene and again details of where evidence is located and seized should be recorded.

- **Debriefing**

At a suitable time following on from the search, all Police Officers involved should be brought back into a debriefing to discuss each element of the operation, to ensure all evidence has been accounted for, best practice is identified, and any failings of the operation can be discussed.

#### Head of Investigations / Station Commander

- Police Managers need to ensure that they continue to be involved in the management, supervision and oversight of all criminal investigations, but especially serious crime in their police area / station.
- The examination of crime scenes and the searching and seizure element of any crime investigation can reveal critical evidence and intelligence that can and will direct the very nature of the investigation, therefore Police Managers must ensure proper management oversight.
- The Police Managers must take an active part in the preparatory stages of the examination of crime scenes / search operations, and they must take the final decision to proceed. This should include the authorisation allowing Investigators to apply to a court for search warrants for pre-planned operations. This should include making sure that each examination / search is properly conducted, that all relevant evidence or other material is correctly recorded and placed into secure police storage at the earliest opportunity.
- They must also ensure that details of the examination / search are entered into the station OB book and, in the case of court search warrants, that the courts are fully informed of the result of the searches.
- Crime scenes and search locations always generate a lot of public interest and the Police Managers must ensure that the area around the scene / location is properly managed so as to prevent any potential public disorder.
- Crime scenes also generate media interest, especially for the more serious or politically motivated crime. Therefore managers must ensure that they have a media strategy for dealing with this and must take direct responsibility for dealing with any media.
- Crime scenes must ensure that when an examination of the crime scene / search location is complete, that it is left in a safe and sterile state, which means no evidence, property, material or items are left at the location which may cause a danger or offence to the public.

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The arrest and interviewing of suspects are essentially two separate processes that provide opportunities to acquire evidence. The initial and early stages of these processes are critical to the Investigator, and must be dealt with in the best possible manner in order to maximise the recovery of evidence.

The arrest itself allows Investigators to record what responses the suspect makes on arrest, as well as what evidence is secured on searching. The interview with the suspect will allow for their account of events to be disclosed, and will give the Investigator the opportunity to challenge these events and probe for further evidence.

## Arrest of Suspects - Considerations before making an arrest

The Police are afforded extensive legal powers that can be used to arrest and detain persons suspected of being involved in the commission of crime.

These should only be used when circumstances justify, such as persons found committing a crime, about to commit a crime or when a crime has been committed, to bring suspects before a court of law.

Before an arrest takes place the Investigator and Police Managers should consider the following:

- **Is there a power to arrest?**

The Investigator must ensure that there is a legal power to arrest, i.e. does the law provide a power of arrest for the crime under investigation.

- **Are there grounds to arrest?**

Are there sufficient grounds to warrant the arrest of the suspect, i.e. is there evidence suggesting the suspect took some part in the alleged crime?

- **Is the arrest necessary?**

Do you have to arrest the suspect, i.e. is bringing the suspect into custody necessary, for instance to interview them and / or to charge them with a crime and bring them before a Court?

- **Requirement for an arrest to be lawful**

In order for the arrest to be lawful the Investigator must:

- Inform the person that they are under arrest, even where it is perfectly obvious what they are being arrested for.
- Tell the person the grounds and reason for the arrest.
- Both requirements can be delayed if the suspect is violent at the time of arrest, but they must be informed as soon as feasibly possible.

- **Searching upon arrest**

The suspect must always be searched on arrest for the following reasons:

- To look for any items (i.e. weapons) which may cause danger or injury to the suspect or anybody else.

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- To locate anything they may have concealed on their person that may assist them to escape from lawful custody.
  - To locate and seize any material which may be evidence relating to an offence or other information that may assist with the wider investigation.

- **Types of searches**

The way in which an Investigator searches a suspect is very much dependent on three factors:

1. The nature of the crime under investigation. In cases of serious crime involving violence and / or the carrying or use of weapons, this may indicate the need for a more robust search.
2. The profile of the suspect. It is important to try and ascertain any previous history of the suspect in order to determine how they are likely to respond to being arrested.
3. The location of the arrest. Where possible the Investigator must try to control the locations where an arrest can be made, and it is very important to keep away where possible from hostile locations or areas where there may be the potential for public disturbance.

The search of arrested persons should be conducted in a way based on the above factors and also in response to the behaviour of the suspect or any other unforeseen circumstance.

Types of searches include:

- **Level 1**

Light ‘pat down’ search - this should be used for suspects who are very compliant and present no risk.

- **Level 2**

‘Spread Leg’ search - this is where the suspect is restrained and placed against a wall or other surface and should be used for suspects whose previous arrest history is unknown and the crime was non-violent.

- **Level 3**

‘Floor’ search - this is where the suspect is restrained and placed face down on the floor, and this should be used for any suspect who is known to be violent, or during the two earlier types of searches becomes violent or threatens violence.

- **Intimate Searches**

These must only take place where there are reasonable grounds to believe that an arrested person has hidden material in their clothing or body areas, and the search is essential to recover the material. These searches must take place in private and must be conducted by Officers of the same sex as the arrested person.

### Investigator

- It is important to keep the suspect under careful observation immediately prior to and during the search to ensure any items discarded by the suspect are recovered at the time.
- Identify the suspect to be arrested and make an immediate assessment as to the dangers involved in carrying out the arrest, i.e. are they in possession of a weapon or with a hostile crowd? If the answer is

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‘yes’ to either of these questions, consider arresting at a more appropriate time or if the arrest is to take place ensure that a level 3 search is conducted.

- If not informing the suspect that they are being arrested, detail the crime they are being arrested for and the grounds supporting the arrest.
- The Investigator must note the suspect’s reply to the arrest and also any non-verbal actions.
- Immediately consider whether it is necessary to restrain the suspect if it appears they may become violent or try to escape.
- At this point carry out a search of the suspect and record all property found on or near their person.
- If it is not appropriate to search the suspect at the location of the arrest, take them as soon as possible to a suitable place and carry out the search.
- The Investigator must ensure same sex searches: male suspects searched by male Officers and female suspects by female Officers.
- Consider whether it is necessary to carry out a more invasive ‘intimate search’ of a suspect’s body, if so this must be carried out in a suitable location.
- Once the search is completed the suspect must be taken directly to a police station, except:
- Where it is necessary for a suspect to accompany Investigators with searches of their property, places of work, vehicles or other such places, or
- Where it is necessary for the suspect to show the Investigator where a missing victim or evidence may be hidden.
- Once the suspect has arrived at the Police Station they must be taken to the Occurrence Book (OB) Room and their details recorded in the OB Book.
- Where possible, all suspects involved in serious crime should be photographed, and a copy of the image should be kept with the Prosecution Report / File.
- A further copy of the image should be stored with a suspect’s personal history form and fingerprint form.
- All property taken from the suspect on arrest, and property still in their possession, must be recorded.
- Suspects must be given an opportunity to speak with a Defence Lawyer as soon as possible, except:
  - Where such access may prevent the urgent investigation of crime, or
  - Where the revelation of the arrest may prejudice the urgent investigation of crime. (When the above circumstances cease the suspect must be allowed access to a lawyer.)
- The suspect must then be placed in a secure and appropriate cell or detention area.
- Females and children must be placed in cells or detention areas set aside for such use.
- Details of the arrest, time, date and location, and names of suspects, evidence and property seized, must be recorded; ideally this should be in a notebook.
- Very importantly, the Arresting Officer’s words of arrest, and the verbal replies of the suspect, must be recorded, including a description of the suspect and their physical condition.

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- A summary of the arrest of each suspect should be recorded in the diary of the investigation; this will assist in the later preparation of the Prosecution Report.
  - Also note the evidential exhibits secured from the suspect.
  - If the suspect was arrested at a location which the Investigator decides should be designated as a crime scene, it will be necessary to complete this record, as mentioned in the previous section.
  - The evidence recorded in the Investigator's note book should be used as a basis for a written evidence statement.
  - The details of the arrest should be recorded in the OB book for the local Police Station where the arrest took place, and in the case of Headquarters Units that maintain an OB book, the details should be reported there and cross-referenced to the local OB entry.
  - It is recommended for serious criminal investigations that a separate record should be kept of the arrest and detention of suspects.
  - This should record:
    - Personal details, names, address, date of birth;
    - Time / date of arrest, location, by whom, the reason and grounds for the arrest;
    - Times of interview and by whom;
    - Property taken from suspect;
    - Access to a Lawyer;
    - Details of charges preferred, and
    - Details of Court appearances and bail or remand.
  - The record should also include all the background information of the suspect (antecedents), including details concerning:
    - Addresses lived at or has access to;
    - Vehicles owned, driven or has access to;
    - Driving Licence;
    - Passport(s);
    - Bank and credit / debit card(s);
    - Family;
    - Employment;
    - Previous arrests, and
    - Previous criminal convictions.
  - It is recommended that photographs are taken of suspects in all serious criminal cases, and the photos are kept with the Police Investigation Report.
  - The Criminal Records Office (CRO) of the Somaliland Police has a dedicated fingerprint form (which also contains space for a suspect's personal history).

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- All persons arrested for serious crime should have their fingerprints taken (two sets): one to be retained with the Police Investigation Report and other should be forwarded to the Somaliland Police CRO.

### Interviewing of Suspects

The interviewing of suspects normally occurs at some stage following the arrest and searching phase. This means that the Investigator will generally have a good understanding of the evidence that has been built up during the investigation so far, and should therefore be in a position to proceed fairly quickly with the interview phase. The purpose of the interview includes giving the suspect:

- An opportunity to admit committing the offence (confession)
- An opportunity to dispute any aspect of the allegation
- An opportunity to provide their own account of events.
- An opportunity to deny taking any part in the alleged offence.

It is also an opportunity for the Investigator to:

- Challenge a suspect's account of events
- Put evidence to the suspect to see their response
- Probe deeper into areas not covered by the suspect

### Investigator

- Prior to interview, the Investigator must read through all the relevant evidence to ensure that they have a full understanding of all aspects of the investigation.
- They must prepare a concise written interview plan detailing what evidence and accounts they intend to cover.
- Their plan must have a contingency element to include actions if the suspect refuses to answer questions.
- A suitable room should be arranged that is secure and has adequate facilities, such as a table and sufficient chairs for all persons who will be present.
- The Investigator must ensure that the interview is conducted by a minimum of two Police Officers in serious criminal investigations, and by one or more officers in minor criminal investigations.
- If the Investigator is not involved in the interview they must ensure that the interviewing officers are fully briefed on the objectives of the interview.
- The Investigator must ensure that all the relevant evidential exhibits are brought together and made available during the interview.
- In interviews involving female suspects, it is imperative that one of the interviewing officers is also female.
- If the suspect appears to be vulnerable (i.e. elderly, infirm or a juvenile), the Investigator must ensure an independent adult is present during the interview.

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- The Investigator must allow the suspect the opportunity to speak to a Lawyer prior to the interview. This may include the Investigator providing such a Lawyer with a brief account of the arrest and reasons for the suspect's detention.
  - During the interview the Investigator must introduce themselves and provide the suspect with an explanation of the reasons for the arrest, and clearly state the objective of the interview itself.
  - During the interview the Investigator must allow for reasonable breaks in the interview, especially if the suspect appears to be unwell.
  - It is recommended that Investigators should interview suspects using the principals of the 'PEACE' model methodology which ensures a consistent and structured approach to interviewing:

### **Preparation**

This discipline has already been highlighted, and in simple terms it means the Investigator(s) must be ready for the interview, having reviewed all the evidence and material that concerns the suspect. In serious criminal investigations this must include having some form of interview plan, such as what areas need to be covered and what points to provide which are relevant to the crime being investigated.

### **Engage**

This refers to the opening and introductory parts of the interview, where the Investigator(s) must introduce themselves, the alleged crime being investigated, and the suspect must be told that this is their opportunity to tell their version of events.

### **Account**

This part is where the suspect is asked to recount in their own words their version of events. The Investigator should not interrupt the suspect other than to refocus the suspect's story if they move away from the account of the alleged crime. If the suspect refuses to speak, or only deals with parts of the alleged crime, the Investigator must ask key questions in order to try and extract the suspect's story. The Investigator must take written notes of the suspect's account of events, and of any questions asked and replies made.

### **Challenge**

Once the suspect has given their account of events, the Investigator must then consider any challenges to parts of the account they believe to be false, misleading or ambiguous. The Investigator will ask the suspect questions which challenge these elements, and will note the suspect's replies.

### **Evaluation**

At the end of the questioning it is recommended that the Investigator take an opportunity to review the wider elements of the case in order to consider whether it is necessary to interview the suspect any further. The evaluation element should not be a one-time decision, and the Investigator should consider re-interviewing suspects should a valid reason arise.

- The Investigator should record the interview in written form.

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- At the conclusion of the interview the notes should be read over to the suspect and they should be given an opportunity to add comments or observations to what has been recorded.
  - The suspect should be asked to sign each page of the interview record.
  - All Police Officers present and a Defence Lawyer and / or appropriate adult, if present, should also sign the interview record.
  - If the suspect admits the crime, in accordance with Somaliland Law, the Investigator should arrange for a ‘formal confession’ to be completed in the presence of a Judge.
  - The Investigator should review the results of the interview and, dependent on the progress of the investigation (which may bring to light new or contradictory evidence), should consider the need for re-interviewing the suspect at a later stage.
  - A summary of the interview with each suspect should be recorded in the diary of the investigation, as this will assist in the later preparation of the Prosecution Report.

#### Head of Investigations / Station Commander

- Police Managers need to ensure that they continue to be involved in the management, supervision and oversight of all criminal investigations, but especially serious crime in their police area / station.
- The arrest and interview of suspects presents the investigation with a one time opportunity to secure evidence from the suspect; therefore Police Managers must ensure proper management oversight.
- The Police Managers must take an active part in the preparatory stages of arrest operations, and they must take the final decision to proceed. This should include providing the authorisation allowing Investigators to apply to a court for arrest warrants for pre- planned operations.
- The Police Manager should ensure that each arrest is properly conducted, that the suspect(s) are taken to the local police station at the earliest opportunity, that their presence in the police station is recorded in the station OB book, and that their personal property is duly recorded in the prisoner’s property register.
- They must also ensure that the right Investigators are chosen for the interview role, ensuring they have the right knowledge and experience to deal with the crime, remembering that female suspects must be interviewed by at least one female Investigator.
- They must also take part and, where necessary, direct pre-interview planning with the Investigators, especially in serious criminal investigations.
- At the conclusion of the interview process with each suspect, they must review the result of the interview to ensure it has been conducted correctly, that the interview has covered all the necessary elements of the crime under investigation, and where necessary order further interview.

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# 12. Completing Report to the Prosecutor

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This is the final stage in the investigation process and it is where the Investigator completes and presents their Prosecution Report (file) to the Prosecutor (Office of the Attorney General in Somaliland).

The report and the attendant evidence should reflect the work carried out in all the stages of the criminal investigation. The report will be subsequently reviewed by the Prosecutor in order to decide:

- Is there sufficient evidence contained in the file to justify a suspect being charged with criminal offences, as per the Somali Penal Code or other relevant Law?
- Determine what specific crimes should be attached to the suspect (who now becomes the defendant).
- Is it in the public interest to prosecute the defendant for these criminal offences?
- How to construct a prosecution case and present it to a Court.

## Investigator

- The Police Investigations Report, where possible, should be a typed document signed by the Investigator.
- The report should be contained within an outer folder containing all the other documents (statements, evidence, exhibits etc.) commonly referred to as the 'File'.
- There should be two copies of the report / file; the first one containing all original documents should be submitted to Prosecutor. This copy of the report / file will be personally delivered to the Prosecutor by the Investigator. The Investigator will keep a record of the time and date and the name of the Prosecutor to whom it was handed. A second copy should be retained by the Investigator; this will aid the Investigator should there be a need for follow up investigations.
- The security and confidentiality of both copies is extremely important and they must be treated accordingly.
- Only Police Officers involved in the investigation, Police Managers reviewing the report / file, and the Prosecutor, should be allowed access to the document.
- When not in use, the reports / files must kept in a secure and locked facility.
- Any additional investigations completed on the order of the Prosecutor, or arising from other actions, will not necessitate the completion of a new report. In these circumstances a brief summary of the investigation with any new evidence will be sufficient
- The content of the report should include the following:
  - **Name and address of the Investigating Officer.** This should be the full name, including nicknames, and the official Police address;
  - **Contact telephone number;**
  - **Supervising Officer /Senior Officer.** This should be reserved for the Officer that carried out the supervision of the investigation and the evidential review of the report;
  - **Full details of the Victims.** This should include their full names, ages, gender and home address;
  - **Injuries received.** In cases of violence and / or sexual crime, the report should include a description of the physical and mental injuries, and any details of medical treatment and hospitalization. This should be cross referenced to medical evidence from a Doctor;

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- **Full details of the Suspect (Defendant).** This should include their full names, ages, gender and home address;
  - **Summary of events.** This should be a concise narrative of the alleged crime in a chronological order. The victim, witnesses and the suspect should be mentioned in the context of the report, as should the key evidential exhibits. Individual style will vary, but it should essentially read as a story, starting at the beginning and finishing at the end;
  - **Summary of interviews with victims and key witnesses.** Depending on the complexity of the investigation or seriousness of the crime, it may be necessary to discuss evidence provided by;
  - **Each victim and key witnesses.** This may also be used as an opportunity for the Investigator to comment on the reliability of victims and witnesses, including any information as to their historical background or medical condition;
  - **Summary of interviews with the suspect (now defendant).** Again, depending on the complexity of the investigation or seriousness of the crime, it may be necessary to discuss the interviews with the suspects, including any comments on the reliability, inaccuracy or conflicting accounts they gave during interview;
  - **List of witnesses.** Details of all witnesses, including those who made written statements, but where the evidence is of no value to the prosecution;
  - **List of evidential exhibits.** Details of all evidence secured during the investigation should be included.
  - The content of the actual file should include the following:
    - The Report;
    - All victim and witness statements and evidential exhibits produced;
    - All suspect interview statements;
    - Physical paper evidence, including crime scene logs, notes, sketch plans and scene photographs;
    - Other Police investigative documents such as a premises searched register, and interview plans;
    - Other Police administrative documents, such as the custody record, personal history form and suspect photographs;
    - List of large or difficult physical evidence, that is not suitable to be submitted within the report, for example weapons, vehicles, property etc.

#### Head of Investigations / Station Commander

- Police Managers need to ensure that they continue to be involved in the management, supervision and oversight of all criminal investigations, especially serious crime in their police area / station.
- For serious crime investigations, Police Managers must ensure early and regular liaison with Prosecutors.
- The preparation and submission of the Police Investigations Report must be the culmination of a professional criminal investigation that has been directed and supervised by the Police Managers.

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- The Police Managers must take an active part in the preparatory stages of the report and must review all stages of the criminal investigation, and convene planning meetings with the Investigator(s) to build the report.
  - They must ensure that the report fully covers the conduct of the investigation and includes all the evidence that has been recovered.
  - When the report is complete, it must again be examined by the Police Managers, and they should write their recommendations on the report and sign it before it is passed to the Prosecutor.
  - In some circumstances it may be necessary and acceptable to submit an initial report with a follow up final report where circumstances so justify.
  - Police Managers must ensure the timely completion of further investigations or information requests received from the Prosecutor by the Investigator(s), and review the response and sign the file before it is returned.
  - Police Managers must also keep themselves apprised of the progress of the subsequent criminal trial process, and they must ensure that victims and witnesses are supported during this time.
  - If any victims or witnesses are threatened or intimidated in any way with regards to their role in the criminal trial process, the Police Managers must take charge of any suitable police response that appears necessary.
  - At the conclusion of the criminal trial the Police Manager must ensure that the victims and witnesses in the case are informed of the result.

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# Specimen Police Investigative File

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## Front of Docket

### **Somaliland Police Case File**

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Police Station

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OB Serial No

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Crime Register Serial No

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Court Registry Serial No

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Name of Court

---

Full name and address of Victim

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Full name and address of Suspect

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Summary of Alleged Crime

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Law Article

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Which Law

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Rank and Name of the Investigator

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Response from the Suspect

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Initial Court Hearing

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Case adjourned – reappointed to

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Decision of the Case (Result)

- Crime
- Law Article
- Which Law

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Convicted crime

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Recommendations

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Date

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Signature (Investigator etc.)

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Name of the Prosecutor

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**UNODC**

United Nations Office on Drugs and Crime