The Republic of Somaliland Police Force

Serious Crime Operations - Training Manual

Criminal Justice Compendium for Somaliland

UNODC
United Nations Office on Drugs and Crime

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Chapter 1
Introduction

1.1 Introduction to Training Manual

1.1.1 Responsibility of the Police

The responsibility of the Police in Somaliland is enshrined in Article 124 of the Somaliland Constitution, which determines that:

> *The Police Force shall be responsible for protecting the peace and for enforcing the law, and its structure and duties shall be set out by law*

In this regard the Police are the main Law Enforcement Agency responsible for dealing with the prevention, reduction and investigation of crime.

1.1.2 History of Somalia Police

Historically, the Federal Police of the Greater Somalia worked to a well-established set of 'Standing Operational Orders' (SOP's), which amongst other things laid down the policy and procedure for the investigation of crime.

It created a 'Criminal Investigation Department' (CID) and delivered a robust system of crime investigation, which in many ways was ahead of its time.

Due to the Civil War in Somalia in the early 1990's and the collapse of the Somali State, the Federal Police and its SOP's all but disappeared.

However, fragments of this system remained, such as the Occurrence Book (OB), which is found in some form in the majority of Police Stations across Somalia.

Additionally, many of the older Police Officers (including CID Officers) returned to the Police Service after the turmoil and they still retain some of the old SOP practices, albeit now unwritten, which they continue to use.

1.1.3 Purpose of Training Manual

The purpose of this Training Manual is to:

- Reintroduce and reinforce the concepts, theories and practices of good reactive crime investigation.
- Enhance this process to acceptable international standards, and
- Introduce the concepts, theories and practices of intelligence led proactive investigations against those involved in serious crime.

1.1.4 Definition of Serious Crime

Serious crime, in the context of this Manual, refers to crimes where the punishment is the death penalty, life imprisonment or a sentence of imprisonment of five years or more.

1.1.5 Reference Based

The Training Manual is primarily intended to serve as a 'reference based' document that should be used in the delivery of various types of investigative and intelligence training.

It can also be used as a reference point for Investigators, Senior Police Officers, Prosecutors and any persons who need guidance and direction on how to deal with crime investigation and intelligence operations as part of their normal duties.

1.1.6 Self Paced

Users of the Training Manual can work through specific parts of the document at their own pace, they can use it as part of the development of their investigative knowledge, and they can use it as an operational guide when undertaking real time investigations.

1.1.7 Somaliland Context

The Training Manual is based around international best practice in reactive and proactive crime investigations, but with emphasis on how investigations are conducted in Somaliland and how they relate to the relevant Criminal Laws, such as the Somaliland Criminal Procedure Code, the Somaliland Juvenile Justice Law and the Somaliland Penal Code.

For example, Chapter 12 - Somaliland 'Crime Investigation Model', is a direct reconstruction of previous and remaining working practices, distilled into one comprehensive investigative process.

1.1.8 Use of Standard Forms

A number of 'standard' forms (11 in total) have been designed and introduced in Somali language format to the Somaliland Police for dealing with Counter Terrorist Investigations.

The documents have been prepared by a UK Government-funded Project Team in collaboration with the Somaliland Police and are designed to enhance investigative standards. It is recommended that they be used for Serious Crime. The standard forms are introduced and explained at logical and relevant points throughout this Manual. They are only available in the Somali language and are therefore only provided in the Somali language version of this Manual.

1.2 Learning Objectives

The Learning Objectives are designed to prepare and focus the reader, student and practitioner on what elements of each subject they are required to learn, understand, and be able to demonstrate a working knowledge of at the completion of a reading of the Manual, and / or input during training courses.

The student or practitioner will be able to demonstrate:

1.2.1 Policing Ethics & Human Rights

- Have acquired an understanding of the various principles involved in Policing Ethics & Human Rights, including awareness of:
  - Policing Integrity.
  - United Nations Universal Declaration of Human Rights.
  - Cairo Declaration of Human Rights in Islam.

1.2.2 Criminal Laws in Somaliland

- Have acquired a comprehensive understanding of the various Criminal Laws in Somaliland with regards to the investigation of crime, such as the:
  - Somaliland Criminal Procedure Code.
  - Somaliland Juvenile Justice Law.
  - Somaliland Penal Code.

1.2.3 Somaliland Criminal Justice System

Understand the makeup of the Somaliland Criminal Justice System and the roles of the key participants, such as:

- The Criminal Investigator.
- The Prosecutor.
- The Criminal Defence Lawyer.
- The Criminal Trial Judge.

Have acquired an understanding of the Judicial system in Somaliland with regards to:

- The Judiciary.
- The Courts of Law.

1.2.4 Criminal Evidence, Search Powers and Crime Scenes

Have acquired an understanding of the principles of criminal evidence, search powers and crime scene management, to include knowledge of working practices involved with each discipline.

1.2.5 Victims and Witnesses of Crime

Have acquired an understanding of the principles and practices involved in obtaining evidence from victims and witnesses of crime, including how to prepare for, and conduct, interviews.

1.2.6 Persons Suspected of Crime

Have acquired an understanding of the principles and practices involved in obtaining evidence from persons suspected of crime or criminal activity, including preparing for, and conducting, interviews

1.2.7 Crime Investigative Process

Understand the principles, theories and practices involved in the crime investigative process, including:

- Investigative Knowledge.
- Investigative Process.
- Investigative Decision Making.
- Investigative Planning.

1.2.8 Somaliland 'Crime Investigative Model'

Understand the principles and practices detailed in the Somaliland 'Crime Investigative Model', including:

- Dealing with Complaints from the Public.
- Commencing an Investigation.
- Planning the Investigation.
- Interviewing Victims and Witnesses of Crime.
- Examining Crimes Scenes and Searching.
- Arrest and Interview of Suspects.
- Preparing a Prosecution Report.

1.2.9 Criminal Intelligence Systems

Have acquired an overall understanding of the principles, theories and practices of criminal intelligence systems, including:

- Criminal Intelligence.
- The Intelligence Cycle.
- Intelligence Standard Records.
- Intelligence Report Evaluation System.
- Key Intelligence Products.
- Intelligence Research.
- Tasking and Coordination.
- 'Model' Criminal Intelligence System.
- 'Existing' Somaliland Criminal Intelligence System.

1.2.10 Covert Intelligence Techniques

Understand the principals, theories and practices in covert intelligence techniques, including:

- The Intelligence Requirement.
- Ethical & Integrity Issues.
- Informants / Sources.
- Surveillance Methodologies.

1.2.11 Use of Standard Forms

Have acquired an understanding of the principles and practical application of ‘standard’ investigative and intelligence forms in promoting best practice in crime investigations, including:

- Exhibits and Premises Searched Register.
- Scene Management Logs.
- Interview Plans.
- Suspect Statement.
- Witness Statement.
- Operation Room - Action From.
- Message Form.
- Fingerprint Form.
- Antecedents Form.
- Custody Record.
- Intelligence Report.

Chapter 2
Policing Ethics & Human Rights

2.1 Introduction

'Ethical Policing' is delivering a police service that has a foundation based in both the integrity of the organisation and the individual officer, and is a fundamental issue that most organisations need to address, including the Police of Somaliland.

The purpose of ethical policing is to deliver a fair, transparent, accountable and effective police service, whose primary role is to reduce crime, disorder and to deliver improved community safety. In order to do this the police service needs improve its performance in a number of key areas.

The first issue concerns professionalism and the way in which the service goes about its daily business in support of the communities it seeks to serve. The establishment of ethical values by all members of the service is the first step in building professional policies, methods and processes that deliver this vision.

The second issue concerns the need to introduce performance management, that is individual and organisational performance, which is designed to provide improved ways for how the organisation works.

The third issue concerns integrity. This includes consistency of actions, values, methods and principles involved in all aspects of policing. In ethics, integrity is regarded as the honesty and truthfulness or accuracy of one's actions.

In order to deliver these concepts the next part of the Manual discusses, in detail, issues of police integrity and recommends a generic code of conduct, which should be adopted by all Police Organisations.

Underpinning these concepts and practices are the fundamental human rights of all citizens, where the state acknowledges certain obligations and commitments to how people should be allowed to live their daily lives.

The issue of human rights has been in existence for many years and this part of the Manual deals with the two principle declarations that are relevant to policing in Somaliland.

The first is the United Nations Universal Declaration of Human Rights 1949, which emerged as a direct result of the atrocities that took place during and after the Second World War.

The second is the Cairo Declaration of Human Rights 1990, which dealt with the issues affecting Islamic Nations.

2.2 Police Integrity

Introduction

The primary duties of Police Officers include:

- The Protection of Life and Property.
- The Preservation of the Peace.
- The Prevention and Detection of Criminal Offences.

To fulfill these duties, Police Officers are granted extraordinary powers and the Public and the Police Service therefore have the right to expect the highest standards of conduct from them.

In order to be able to deliver an acceptable level of conduct, it is essential that Police Officers fully understand what is expected from them in the discharge of their duties.

The best approach is to develop and adopt a code of conduct that clearly lays down the minimum standards required.

2.3 Code of Conduct

The Code does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which discretion should be exercised.

However, it is important to note that any breach of the principles in the Code might result in action being taken by the police which, in serious cases, could involve dismissal.

The Code applies to the conduct of Police Officers in all ranks whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be a police officer.

The Code should be applied in a reasonable and objective manner.

Due regard will be paid to the degree of negligence or deliberate fault of the officer, and to the nature and circumstances of an officer's conduct.

Where off duty conduct is in question, this is to be measured against the generally accepted standards of the day.

The Code sets out the principles listed below:

Honesty and integrity

It is of paramount importance that the public has faith in the honesty and integrity of Police Officers.

Officers should therefore be open and truthful in their dealings, avoid being improperly beholden to any person or institution, and discharge their duties with integrity.

Fairness and impartiality

Police Officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

Politeness and tolerance

Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or derisive attitudes or behaviour.

In particular, Officers must avoid:

- Favouritism towards an individual or group.
- All forms of harassment, victimisation or unreasonable discrimination.
- Overbearing conduct to a colleague, particularly to one who is junior in rank or service.

Use of force and abuse of authority

Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

Performance of duties

Officers should be conscientious and diligent in the performance of their duties.

Officers should attend work promptly when rostered for duty.

If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

Lawful orders

The police service is a disciplined body and unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of police regulations.

Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

Confidentiality

Information that comes into the possession of the Police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty.

Similarly, Officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties.

Criminal Offences

Officers must report any proceedings for a criminal offence taken against them.

Conviction of a criminal offence may of itself result in further action being taken.

Property

Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

Sobriety

Whilst on duty officers must be sober.

Officers should not consume khat when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

Appearance

Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

General Conduct

Whether on or off duty, Police Officers should not behave in a way which is likely to bring discredit upon the police service.

2.4 Policing & Human Rights

Introduction

Human Rights are understood as 'inalienable' (i.e., cannot be transferred to another) fundamental rights to which a person is inherently entitled simply because he or she is a human being.

Human Rights are thus conceived as universal (applicable everywhere) and egalitarian (the same for everyone) and these rights may exist as natural rights or as legal rights, in both national and international law.

The purpose of this part of the Manual is to introduce the concept of Human Rights in the Islamic Context as it relates to Policing in Somaliland.

For this reason reference is made to the recent history of Human Rights, such as:

- **The United Nations Universal Declaration of Human Rights in 1948.**
- **Cairo Declaration on Human Rights in Islam in 1990.**

This is followed by a summarised list of the main duties and responsibilities of the Police with regards to Human Rights as taken from the various International Declarations and Conventions that have been agreed since 1948.

The Somaliland Government has committed the Somaliland People to all of these Declarations and Conventions by virtue of Article 10 of the Somaliland Constitution.

2.5 United Nations Universal Declaration of Human Rights 1948

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War, culminating in the adoption of the 'Universal Declaration of Human Rights' in Paris by the United Nations General Assembly in 1948.

Summary of articles that impact on Policing:

Article 1. Right to Equality and Freedom
Article 2. Basic Rights and Freedoms
Article 3. Right to Life, Liberty and Security
Article 4. Prevention of Slavery
Article 5. Prevention of Torture and Cruelty
Article 6. Right to Individual Recognition in Law
Article 7 Right to Protection Against Discrimination
Article 8 Rights of Individual Access to Law
Article 9 Prevention of Unlawful Arrest and Detention
Article 10 Rights to a Fair Trial
Article 11 Presumption of Innocence in Law
Article 12 Right to Privacy
Article 13 Freedom of Movement
Article 14 Rights to Asylum
Article 18 Freedom of Thought, Conscience and Religion
Article 19 Freedom of Opinion
Article 20 Freedom of Assembly
Article 28 General Freedoms
Article 29 Duty of the Individual
Article 30 Restrictions on the State

* A complete transcript of these Articles is contained in the Appendices to this Manual.

2.6 Cairo Declaration on Human Rights in Islam

In August 1990 the Organisation of Islamic States introduced the Declaration on Human Rights in Islam that contains a number of articles that clearly introduce the principle of human rights in the Islamic context.

Key principles of the declaration include the requirements to:

Be keenly aware of the place of mankind in Islam as vice regent of Allah on Earth

Recognise the importance of issuing a Document on Human Rights in Islam that will serve as a guide for Member states in all aspects of life

The Organisation agreed to issue the Cairo Declaration on Human Rights in Islam that will serve as a general guidance for Member States in the field of Human Rights. Summary of articles that impact on Policing include:

Article 1 Mankind are one family and equal
Article 2 Duty to protect Human Rights
Article 3 Use of Reasonable Force
Article 4 Human Rights on death
Article 5 Family Protection
Article 6 Rights of Women
Article 7 Rights of Children
Article 12 Right of Free Movement
Article 18 Right to Privacy and Security
Article 19 Equality in Law and Presumption of Innocence
Article 20 Arrest and Torture
Article 21 Taking Hostages
Article 22 Right to Free Speech
Article 24 Rights Subject to the Islamic Shari'ah
Article 25 The Islamic Shari'ah only Source of Reference

* A full transcript of these Articles is contained in the Appendices to this Manual.

2.7 Main duties of the Police with regards to Human Rights

In the following part of this Manual a summary is listed of the main duties of the Police with regards to the various Declarations and Conventions on Human Rights.

It is organised into major human rights topics of concern to the police, such as:

- General Duties.
- Policing in Democracies.
- Investigations.
- Arrest and Detention.
- Use of force.
- Protection of Juveniles.

2.7.1 General Duties

- Police shall at all times respect and obey the law.

- Police shall at all times fulfill the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.
- Police shall not commit any act of corruption and they shall rigorously oppose and combat all such acts.
- Police shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- Police shall report violations of those laws, codes and sets of principles which protect and promote human rights.

All Police action shall respect the principles of:

- Legality.
- Necessity.
- Non-discrimination.
- Proportionality.
- Humanity.

2.7.2 Policing in Democracies

- The Police shall provide for the protection of public safety and the rights of all persons.
- The Police shall be an independent organ of the Executive and shall be subject to the direction of the Courts and bound by their orders.
- Every Police Service shall be representative of and responsive and accountable to the community as a whole.
- All Police Officers are part of, and have a duty to serve, the community.
- Members of the Police shall exercise their functions, powers and duties as impartial servants of the general public and the Government of the day.
- No member of the Police may participate directly in political activities.
- No member of the Police may be ordered or forced to exercise his or her functions or powers or deploy police resources to promote or undermine any political party or interest group, or any member of such a party or group.
- The Police have the duty to uphold the rights of and afford protection to all political parties, persons and organizations equally without fear or favour.
- In the exercise of his or her rights and freedoms, everyone shall be subject only to such limitations as are determined by law.
- Limitations on the exercise of rights and freedoms shall be only those necessary to secure recognition and respect for the rights of others, and for meeting the just requirements of morality, public order and the general welfare in a democratic society.
- Everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives.

- The will of the people shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.
- Everyone has the rights to freedom of opinion, expression, assembly and association.

2.7.3 Investigations

The following guidelines apply to investigations, comprising the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:

- Everyone has the right to security of the person.
- Everyone has the right to a fair trial.
- Everyone is to be presumed innocent until proven guilty in a fair trial.
- No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence.
- No one shall be subjected to unlawful attacks on his or her honour or reputation.
- No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.
- Torture and other inhuman or degrading treatment is absolutely prohibited.
- Victims and witnesses are to be treated with compassion and consideration.
- Confidentiality and care in the handling of sensitive information are to be exercised at all times.
- No one shall be compelled to confess or to testify against himself or herself.
- Investigatory activities shall be conducted only lawfully and with due cause.
- Neither arbitrary nor unduly intrusive investigatory activities shall be permitted.
- Investigations shall be competent, thorough, prompt and impartial.
- Investigations shall serve to identify victims; recover evidence; discover witnesses; discover cause, manner, location and time of crime; and identify and apprehend perpetrators.
- Crime scenes shall be carefully processed, and evidence carefully collected and preserved.
- Standardized procedures will be developed for the recording of information during investigations.
- Treat all suspects as innocent persons: politely, respectfully and professionally.
- Keep a detailed record of all interviews conducted.

2.7.4 Arrest and Detention

The following guidelines apply to arrest and detention:

- Everyone has the right to liberty and security of the person and to freedom of movement.
- No one shall be subjected to arbitrary arrest or detention.
- No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

- Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his or her arrest.
- Anyone who is arrested shall be promptly informed of any charges against him or her.
- Anyone who is arrested shall be brought promptly before a judicial authority.
- Anyone who is arrested has the right to appear before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful.
- Anyone who is arrested has the right to trial within a reasonable time, or to release.
- Detention pending trial shall be the exception rather than the rule.
- All arrested or detained persons shall have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative.
- A record of every arrest must be made and shall include:
  - The reason for the arrest.
  - Time of the arrest.
  - The time the arrested person is transferred to a place of custody.
  - The time of appearance before a judicial authority.
  - The identity of involved officers.
  - Precise information on the place of custody.
  - Details of interview.
- The arrest record shall be communicated to the detainee, or to his or her legal counsel.
- The family of the arrested person shall be notified promptly of his or her arrest and place of detention.
- No one shall be compelled to confess or to testify against himself or herself.
- Where necessary, an interpreter shall be provided during interrogation.

2.7.5 Use of force

The following guidelines apply to the use of force:

- Everyone has the rights to life, security of the person, and freedom from torture and cruel, inhuman or degrading treatment and punishment.
- Non-violent means are to be attempted first. Force is to be used only when strictly necessary.
- Force is to be used only for lawful law enforcement purposes.
- No exceptions or excuses shall be allowed for unlawful use of force.
- Use of force shall always be proportional to lawful objectives.
- Restraint is to be exercised in the use of force.
- Damage and injury are to be minimized.
- A range of means for differentiated use of force is to be made available.
- All officers are to be trained in the use of the various means for differentiated use of force.

- All officers are to be trained in the use of non-violent means.
- All incidents of the use of force or firearms shall be reported to and reviewed by Senior Officers.
- Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action.
- Police Officers who refuse unlawful superior orders shall be given immunity.
- Firearms are to be used only in extreme circumstances.
- Firearms are to be used only in self-defence or defence of others against:
  - Imminent threat of death or serious injury.
  - To prevent a particularly serious crime that involves a grave threat to life.
  - To arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat.
- Intentionally lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.

2.7.6 Protection of Juveniles

The following guidelines apply to the protection of juveniles:

- Children are to benefit from all the human rights guarantees available to adults.
- In addition, the following rules shall be applied to children:
  - Children shall be treated in a manner which promotes their sense of dignity and worth.
  - Their treatment should facilitate their reintegration into society.
  - Their treatment should reflect the best interests of the child.
  - Their treatment should take into account the needs of a person of that age.
- Children shall not be subjected to torture, to cruel, inhuman or degrading treatment or punishment, to corporal punishment, or to life imprisonment without chance of release.
- Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time.
- Children shall be separated from adult detainees.
- Detained children shall receive visits and correspondence from family members.
- A minimum age for criminal responsibility shall be established.
- The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential.
- The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time.
- Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.

Chapter 3
Criminal Procedure Code

3.1 Introduction

The Criminal Procedure Code in Somaliland is based on the Indian Criminal Procedure Ordinance and the Indian Evidence Act 1872, and was introduced during the British Colonial Period in Somaliland.

After union with Somalia, the National Assembly passed Law No: 5 of 30 January 1962 that delegated to the Government power to enact, within six months:

- Criminal Procedure Code.
- Penal Code.
- Traffic Code.
- Organisation of the Judiciary Law.

The Criminal Procedure Code (Legislative Decree No. 1 of 1st June 1963) was finally enacted on that date and finally came into force on 31st March 1965.

The **Criminal Procedure Code** (which consists of 288 Articles) includes concepts which are found in common law countries such as the:

- Presumption of innocence.
- The onus and burden of proof.
- The writ of *habeas corpus.*
- Rules of evidence.

Importance

The code details the 'rules' that the police need to adhere to when receiving complaints from the public, their duties of investigation and when and how to present a case for criminal prosecution to the Office of the Attorney General (AGO).

Failure to adhere to the rules could mean that evidence recovered during an investigation could be rejected by the AGO or the Criminal Trial Court.

Additionally, during a criminal trial the Defence could seek to reject any evidence recovered by the Police, resulting in a suspect being found 'not guilty'.

It is therefore essential that Police Investigators understand the rules contained in the Code and, importantly, they must ensure that they conduct their investigations and prosecution case preparation in strict adherence to the rules.

The code comprises five books:

Book One: General Provisions (Articles 1 - 95):

Part I - Preliminary Provisions, including Police duties to record and investigate complaints

Part II - Arrest with and without warrant, search & seizure, bail and recording of confessions

Part III - Pre-trial Procedure

Part IV - Trial procedure and penal sanction

Book Two: Proceedings in the First Instance (Articles 96 – 134)

Parts I - VII - The hearing, burden of proof and judgment

Book Three: Evidence (Articles 135 – 207)

Part I - Relevancy of facts

Part II - Production and effect of evidence

Part III - Examination of witnesses

Book Four: Appeals and Execution (Articles 208 to 274)

Part I - Appeals

Part II - Execution

Book Five: Judicial relations with foreign countries (Articles 275 – 288)

Part I - Judicial relations with foreign countries

3.2 Articles relevant to Criminal Investigation

A list of the articles that are relevant to criminal investigations have been re-produced below in summary form; that is only the most relevant part of each article has been reproduced.

It is essential that when dealing with specific crimes in more detail, reference should be made to the complete code.

3.2.1 Preliminary Provisions

Article 12. (Office of the Attorney General)

- The Office of the Attorney General shall exercise the functions laid down in Article 8 of the Law on the Organization of the Judiciary and any other functions conferred by law.
- In Court proceedings, the Office of the Attorney General shall be represented by:
  - The Attorney General or one of his Deputies before the Supreme Court and the Military Penal Sections of the Courts of Appeal and Regional Courts.
  - The Attorney General or one of his Deputies or a Police Officer designated by the Attorney General before the Assize and General Sections of the Courts of Appeal and Regional Courts.
  - The Officer commanding the Police or the Finance Guards within whose jurisdiction the Court is situated or another Police Officer designated by him, in conformity with the functions attributed to the latter by law, before the Criminal Section of a District Court.

- The investigation and suppression of crimes shall be carried out by the Police under the direction of the Office of the Attorney General.
- When so considered necessary, the Attorney General may, at any stage of the proceedings, order that his own Office shall take over the investigation or the prosecution of any case.

Article 13. (The Accused)

- An accused is a person who, even without any warrant having been issued by a judicial authority, has been placed in a state of arrest under the control of a judicial authority, or who has been served with a summons to appear before Court.
- Such a person shall be considered as the accused during all stages of the proceedings, until such time as the judgment of conviction or acquittal has become final, or until it has been decided not to proceed further with the case.
- The accused is presumed innocent until the conviction has become final.

Article 14. (The Injured Party)

- For the purposes of this Code, unless the context indicates otherwise, the term *"injured party"* shall mean the person who is injured by the offence, or his legal representative.
- The injured party may apply to the Court in order to refer from the accused damages for any civil liabilities arising from the offence.

Article 15. (The Defence)

- The accused may be defended by one or more defense Counsels.
- Where there is no conflict of interest, two or more accused may be represented by a single defense Counsel.
- An accused who has been arrested shall have the right to confer freely with his defense Counsel at all stages of the proceedings.

Article 16. (Duties of the Defence Counsel to the Accused)

- A defence Counsel shall not, without reasonable cause, abandon his duties as a defence Counsel nor absent himself from hearings in Court in such a way that the accused is deprived of legal assistance.
- If any defence Counsel violates the provision of paragraph 1 of this Article, the Court may order that he pay a sum of money to the accused and /or the court and be suspended from practicing his profession for a period not exceeding one year.
- The abandonment of his duties by a legal Counsel for an injured party shall not in any case prevent the proceedings from continuing.

3.2.2 Reporting of complaints & Police Investigations

Article 20. (Reports by the Public)

- Every citizen who has knowledge of the commission of an offence against the Personality of the State for which the law prescribes the punishment of death or life imprisonment shall immediately report the offence.
- Any person, even if he is not the injured party, who has knowledge of the commission of an offence in respect of which proceedings are initiated by the State, may report the offence.

Article 21. (Complaints)

- The person injured by an offence other than those for which proceedings are initiated by the State may submit a complaint for the institution of proceedings in accordance with the provisions of Article 84 of the Penal Code.
- The right of making complaints may not be exercised when the injured party has:
  - Expressly or tacitly renounced such right.
  - Started civil proceedings for restitution or recovery of damages.
  - Reached a settlement of the damage arising from the offence.

Article 22. (Forms of the Report, Information & Complaints)

Information, a report or complaint relating to the commission of an offence may be in written or oral form and:

- If in written form, shall be signed by the person concerned.
- If in oral form shall, by the authority receiving it, be recorded, read over to the person concerned, and signed by such person.

Article 23. (Definitions)

For the purposes of this Code, unless the context indicates otherwise, the term "Police" shall include:

- The Police Force.
- The Finance Guards.
- Any other military or paramilitary Service and any civil organ of the State which is required by law to collect information about, and to enquire into, specified types of offences and to provide the proof necessary for the application of the penal law.

Article 24. (Investigations)

- A Police Officer in charge of a Police Station who receives, in the manner provided in the previous section or in any other way, information relating to the commission of an offence shall immediately:
  - Notify the Office of the Attorney General and the competent Court.

- Conduct, either personally or through his subordinates, such investigation of the alleged offence as he shall consider necessary.

- The Police Officer who undertakes the investigation may:
  - Examine any person whom he believes to be acquainted with any of the circumstances of the case.
  - Record, in accordance with the provisions of sub-paragraph b) of Article 22, any statement made by any person so examined.
- No statement recorded during the course of the investigation shall be used in any criminal proceedings against the person making the statement unless it falls within the meaning of a confession as provided in this Code.
- When, during the course of investigation, it appears necessary to obtain a warrant of arrest or search or seizure, the Police Officer undertaking the investigation shall apply to the competent Court for such warrant, at the same time informing the Office of the Attorney General.
- In case of urgent necessity the Police Officer undertaking the investigation may, without a warrant arrest a person suspected of committing a crime, in accordance with Article 38, undertake a search or seizure, in accordance with Article 58.

Article 25. (Diary of Investigation)

- The Police Officer undertaking the investigation shall daily record the details of the investigation, in the appropriate diary, mentioning specifically:
  - The date of the beginning and end of the investigation.
  - The action taken during the investigation.
  - The circumstances arising from the investigation.
  - The evidence obtained.
- Any warrants or orders received from or any superior, a Court or the Office of the Attorney General, shall likewise be recorded.

Article 26. (Closure of Investigation)

- Police investigation shall be brought to a conclusion without any unjustified delay.
- The Police Officer in charge of a Police Station, as soon as the investigation has been concluded, shall prepare an accurate report containing:
  - The facts of the case, and any surrounding circumstances which may affect the criminal proceedings.
  - Details of the evidence obtained.
  - Personal details or any other information useful in identifying:
    - The accused.

- The injured party.
- Any person having information concerning the circumstance of the offence.

- The report called for in the preceding paragraph shall be sent forthwith to the Office of the Attorney General together with:
  - The investigation diary.
  - The records relating to the investigation.
  - Materials objects seized in the course of the investigation.

3.2.3 Assistance in Suppression of Offences

Article 27. (Assistance in the Suppression of Offences)

- Every person, when lawfully and reasonably so requested, in case of urgent necessity shall lend assistance to a Judge, to the Office of the Attorney General or to a Police Officer, in order to:
  - Take into custody or prevent the escape of any person whom the said authorities are authorized to arrest.
  - Prevent or suppress an offence.

3.2.4 Arrest in General

Article 28. (Arrest)

- An arrest, with or without a warrant, may only be made in those cases and in the manner expressly provided by law.

Article 29. (Execution of Arrest)

- A person to be arrested shall be so informed, together with the reasons for the arrest.
- If the person to be arrested forcibly resists the arrest or attempts to escape, the person making the arrest may use all lawful means necessary to effect the arrest.
- A person arrested shall not be subjected to more restraint than is necessary to prevent his escape.
- If it is absolutely certain that an arrest was made by mistake, the person arrested shall be released immediately, even by the person who carried out the arrest.

Article 30. (Entry into Private Premises for the Purpose of Arrest)

- Whoever is required to arrest a person on the grounds of such person being caught in the act of committing an offence or a warrant of arrest, may enter without warrant any place, including a dwelling house, where the person to be arrested has taken refuge provided:

  - There is an urgent necessity so to do, and there are grounds for belief that a search warrant cannot be obtained without affording the person to be arrested the opportunity to escape or the opportunity to destroy or interfere with items of evidence.
  - If the person in charge of a place refuses to allow such entry, force may be used to effect the entry.
- When the place to be entered under this Article is occupied by a woman who according to custom does not appear in public, the person intending to make the arrest shall, before entry, allow such woman every reasonable opportunity to retire to a suitable place or to cover herself adequately.

Article 31. (Search of Arrested Persons)

- A person making an arrest may search without warrant:
  - The person arrested.
  - The place in which such arrest was made.
  - Any place which the person to be arrested entered while trying to evade arrest.
- A person making a search may seize any article found on the person arrested or in the place searched which may be used as evidence in the case.

Article 32. (Provisions relating to Arrest to be strictly observed)

- A Judge to whom an arrested person is taken, in accordance with Articles 39 and 45, shall enquire whether:
  - The provisions of Section II and III of this Chapter were strictly followed in making the arrest, and there has been any unjustifiable delay in bringing the arrested person before him.
- If the Judge finds any violation of the said provisions or finds unjustified delay in the presentation of the arrested person, he shall:
  - Cause criminal proceedings to be instituted against the person responsible, if such violation or delay amounts to an offence.
  - Order that disciplinary action be taken by the competent authority against the person responsible, if the violation or delay does not amount to an offence.

Article 33. (Reporting of Arrests)

- Every Police Officer in charge of a Police Station shall immediately report to the Office of the Attorney General and to the competent Court:
  - The arrest of any person, and the release of any arrested person, which takes place within the limits of the area of his command, stating the reasons therefore.

3.2.5 Arrest without Warrant

Article 34. (Persons who may arrest without warrant)

- A judge, the Attorney general and his Deputies and a Police Officer may arrest without warrant, in accordance with the provisions of this Section.
- A private person may arrest without warrant in the cases indicated in Article 35; a private person who makes such arrest shall immediately take the arrested person to a Police Officer.

Article 35. (Mandatory Arrest of Persons caught committing a Crime)

- A person shall be arrested without a warrant if caught in the act of committing any offence, attempted or committed, against the Personality of the State for which the punishment is imprisonment or a more serious punishment:
- Any offence, attempted or committed, of:
  - Escape from lawful custody.
  - Devastation and pillage.
  - Slaughter.
  - Knowingly causing epidemics, poisoning of water or foodstuff.
  - Carnal violence, acts of lust committed with violence, unnatural offences committed with violence, abduction for purposes of lust.
  - Abortion without consent.
  - Murder, infanticide, death caused to a person with his own consent with aggravating circumstances, grievous or very grievous hurt, pre intentional homicide, affray with aggravating circumstances.
  - Insult with aggravating circumstances in respect of which proceedings are initiated by the State.
  - Reduction to slavery, dealing and trading in slaves, enforced subjection.
  - Seizure of a person.
  - Theft in respect of which proceedings are initiated by the State, robbery, extortion, killing or injuring of animals belonging to another in respect of which proceedings are initiated by the State.

Article 36. (Discretionary Arrest of Persons caught committing a Crime)

- A person may be arrested without warrant when caught committing an offence:
  - Punishable with maximum imprisonment of more than one year or with a heavier penalty.
  - Punishable with imprisonment and the offence relates to:
    - Drunkenness.
    - Firearms, ammunition or explosives.
    - Games of chance.

- Unjustified possession of valuables, animals, altered keys, or pick-locks.
- Harmful substances or narcotic drug.

– Punishable with imprisonment where the offence is committed by:
  - A person released on bail.
  - A recidivist under the terms of Article 61 of the Penal Code.

Article 38. (Arrest of Persons Suspected of committing a Crime)

- A Police Officer may arrest a person without warrant:
  – In case of urgent necessity when there are grounds to believe that:
    - The person to be arrested has committed an offence for which the maximum punishment is imprisonment for more than 2 years or a heavier punishment.

Article 39. (Persons Arrested without Warrant to be taken before Judge)

- A person arrested without warrant shall be taken immediately, and in any case not later than 48 hours from the time of his arrest, before the competent Court or before the Court nearest to the place of arrest: provided that the time necessary to travel to the Court from the place of arrest shall not be included in the 48 hours.
- A Police Officer taking an arrested person before a Judge shall, at the same time, prepare and submit to him a summary report showing:
  – The facts of the case and the reasons for the arrest.
  – Details of the evidence obtained.
  – When possible, the personal details of:
    - The arrested person.
    - The injured party.
    - Any person having information concerning the circumstances of the offence.
- If the arrest is not confirmed by the Judge within a period of 8 days from the day when it took place, the arrest shall be considered as rescinded and the arrested person shall be released.
- Any measure taken by a Judge in accordance with the provisions of this Article shall be immediately notified, by the Police Officer who has brought the arrested person before the Judge, to:
  – The Office of the Attorney General, and the competent Court, if the arrested person had not been brought before a Judge of such Court.

3.2.6 Search & Seizure

Article 52. (Search & Seizure)

- Search and seizure, whether with or without a warrant, shall be undertaken in the cases and in the manner prescribed by the law.

Article 53. (Issue of Warrant of Search & Seizure)

- A search warrant, or a warrant of seizure, may only be issued by:
  - A competent Judge, up to the time of commencement of proceedings by a Court of first instance.
  - The President of the competent Court at any other stage of the proceedings.

Article 54. (Form of Warrant of Search & Seizure)

- Every warrant of search or seizure shall be issued in duplicate and shall contain:
  - The name of the issuing authority.
  - The date on which the warrant is issued.
  - Reasons for the issue of the warrant.
  - Personal details of the person to be searched or wanted or, if these are not known, any nicknames or other indications by which he can be identified.
  - Details and whereabouts of the place or object to be searched.
  - A description of the object to be seized and of any person with control over possession of such object.
  - The signature of the authority issuing the warrant, and the seal of the Court.

Article 55. (Cases in which Warrants to Search & / or Seize may be issued)

A search warrant may be issued when there are grounds to believe that:

- An object pertinent to an offence may be found on some specified person, or on or in some specified place or object.
- On search of some specified place, a person to be arrested may be found therein.
- On search of some specified place, a person unlawfully detained may be found therein.
- When it is necessary to search any specified person, place or thing, for the purpose of finding any material evidence which may have a bearing on the offence:
  - A warrant of seizure may be issued when there are grounds to believe that a certain object pertinent to an offence may be found and seized.

- Any object, which is pertinent to an offence and is found during a search, may be seized on the strength of a search warrant, when the person who has control over or possession of the object to be seized refuses to deliver it. The warrant of seizure shall be deemed to include the power to search, to the extent necessary to fulfill the execution of the warrant of seizure.

Article 56. (Execution of Warrants of Search & Seizure)

- A warrant of search or of seizure may not be executed in a private dwelling house between the hours of 6 p.m. and 7 a.m., unless:
  - There is some urgent necessity for its execution or the issuing authority has authorized its execution at any hour.
- One of the duplicates of the warrant shall be given to the person to be searched for to the person in charge of the place or object to be searched or seized.

Article 57. (Other rules to be observed in Search & Seizure)

- The person making the search or seizure may:
  - Use reasonable force to carry out the search or seizure if resistance or refusal to allow the search or seizure is offered.
  - Search any person present in the place being searched, if there are grounds to believe that such person is concealing an object pertinent to the offence.
- Any person subject to search, or any person in charge of a place subject to search or of an object subject to search or seizure, shall afford all reasonable facilities for the execution of such search or seizure:
  - In carrying out the search of a person.
  - Decency shall be fully observed, and the search of a woman shall only be undertaken by a woman.
- If a woman is in charge of the place to be searched, or of the object to be searched or seized, and such woman does not, according to custom, appear in public, such woman shall be given every reasonable opportunity to retire to a suitable place or to cover herself adequately.
- No papers or documents that are in the custody of Counsel or technical consultants in connection with the performance of their duties shall be seized, unless such papers or documents are the subject, instrument or fruit of the offence.

Article 58. (Search & Seizure)

- A Police Officer in charge of investigations in accordance with Article 24 may undertake a search or seizure, without warrant, in case of urgent necessity, when there are grounds to believe that during the time required to obtain such warrant:
  - Material evidence may be destroyed or altered.
  - The wanted person may abscond.

- A Police officer who has undertaken a search or seizure without warrant shall forthwith so inform the competent Judge or a Judge of the Court nearest to where the search or seizure took place, and also the Office of the Attorney General, stating:
  - The reasons necessitating, and the results of such search or seizure.
- If such search or seizure without warrant is not confirmed by a Judge within 8 days, such search and seizure shall be deemed to have been unauthorized and shall be null and void.

3.2.7 Record of Confessions

Article 68. (Rules to be observed by a Judge receiving a Confession)

- A Judge may receive a confession made to him at any time.
- A Judge shall not receive a confession unless he is convinced, by examination of the person making it, that the confession is being made voluntarily.
- The confession shall be:
  - Recorded in writing in full by the Judge.
  - Read over by the Judge to the person making the statement.
  - Signed by the person making the confession and the Judge.
  - Certified by the Judge, before he signs it, to have been recorded strictly in compliance with the provisions of this Article.
- Non-compliance with the provisions of this Article shall make the confession null and void, and the Court may so declare on its own motion or on the request of one of the parties at any stage of the proceedings.

Article 149. (Definition of Confession)

- A confession is a written or oral statement by a person charged with an offence stating or suggesting the inference that he committed that offence.

Article 150. (Confession caused by Inducement, Threat or Promise)

- A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by inducement, threat or promise.

Article 151. (Cases in which Confession is not admissible in evidence)

- No confession made by any person shall be proved as against such person, unless the confession is made before a Judge, as provided in Article 68.
- However, when any fact is alleged to have been discovered in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

3.2.8 Opinion of Experts

Article 157. (Opinions of Experts)

- When the Court has to form an opinion:
  - Upon a point of foreign law.
  - Upon a point of science or art, the opinions upon that point of persons specially skilled in such subjects are relevant facts.
- Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Article 158. (Opinions as to Handwriting)

- When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Article 161. (Form of Expert Opinion)

- When a Court considers it necessary or proper for the opinion of an expert to the provided about a particular matter, the Court shall, either at the request of the Attorney General or of the accused or of its own accord, provide for the appointment of an expert choosing him, if possible, from among persons designated by agreement between the parties.
- The appearance of any expert to give evidence, when so called upon, is mandatory and any expenses connected therewith shall be paid from State funds.
- The Court shall inform the expert of his duties and shall put its questions to him during the hearing in chambers in the presence of such parties that wish to be there. When on account of the nature or difficulty of the investigation the expert is unable to give his opinion immediately, the Court shall fix a time-limit in which the opinion may be submitted in a written report, provided that such time-limit may be extended on justifiable grounds.
- The opinion of the expert shall be heard by the Court and, if it is given verbally, it shall be reduced to writing. If the expert opinion is given in written form, it shall be attached to the record of the proceedings and a copy shall be given to each of the parties concerned.
- An expert may be called to give evidence as a witness at the request of one of the parties or by the Court on its own motion.
- The appointment of an expert to give evidence shall in no way prejudice the right of any party to obtain, at its own expense, evidence from other technical experts.
- When the services of a psychiatrist are called for, the Court must ask the psychiatrist whether the accused is a person dangerous to society, whenever this is prescribed by law for taking any proper security measures.

3.2.9 Burden of Proof

Article 163. (Burden on Prosecution)

- In criminal proceedings, the prosecution shall prove beyond reasonable doubt:
  - That the alleged offence was in fact committed and.
  - That the accused committed it.

3.2.10 Production of Material Objects and other Matters

Article 172. (Material Objects and other Matters that can be produced in Court)

- There may be produced before the Court:
  - Material objects which were the means or the subject of an offence.
  - Records of confessions taken in accordance with Article 68.
  - Any other thing material to the offence, which the Court may allow to be produced.
- Any party may make use of things produced in Court:
  - By examining witnesses about such things.
  - By referring to such things when making any statement before, or request to, the Court.

3.2.11 Corroboration

Article 199. (Accomplices)

- The persons who have participated in an offence may be witnesses in the proceedings.
- However, the Court shall not convict an accused person on the basis of the testimony of an accomplices unless such testimony is corroborated by other evidence.

Chapter 4
Somaliland Juvenile Justice Law

4.1 Introduction

In 2007 Somaliland passed legislation concerning the administering of justice with regards to children.

A list of the articles that are most relevant to criminal investigations have been re-produced below in summary form.

It is essential that when dealing with juvenile offenders or suspects, reference should be made to the complete law.

4.2 Articles relevant to Police Investigations

4.2.1 Definitions & Principles

Article 1. (Definitions)

In this act, unless the context indicates otherwise:

- A **Child** means any human being below the age of 15 years.
- **Maturity** means any human being who reached 15 years with the signs of maturity, likewise, a mature person shall be whoever reaches the age of 18 years without signs of maturity.
- **Adult** means an adult person nominated by the court instead of his parents or guardian in their absence.
- **Guardian** means any person who is responsible of the child in accordance with the law.
- **Children Court** means a court that hears and determines case involving children established under this law.
- **Children Police** means special police unit for the protection of children.

Article 2. (General Principles)

Interpretations

- The provisions of this law shall be interpreted in a manner consistent with the Somaliland Constitution, Shari'ah, International Child Rights Conventions and International Human Rights Law.

Article 3. (Precedence of this Law)

- This law shall have precedence over any other law or provision in all matters concerning the administration of Children Justice.

Article 4. (Citations)

This is special law which administers the offenses committed by children and cited as Juvenile Justice Law.

Article 5. (Objectives of this Law)

The objectives of this law are:

- To protect the rights of children in accordance with International Child Right Conventions and International Human Rights Law and in a manner consistent with Somaliland cultural and Islamic values.
- To homogenize the provisions of Secular, Shari'ah and Somaliland Customary laws relating to children in conflict with law.
- To establish a fair and humane Children Justice system, which aims at:
  - Protecting and promoting physical and mental well-being and personal development of the children.
  - Fostering children's sense of dignity and worth, while reinforcing their respect for human rights and fundamental freedoms of others, by holding them accountable for their actions.
  - Safeguarding the interest of victims and the community while supporting reconciliation by means of restorative justice response.
  - Promoting the involvement of parents, victims, elders, women, professionals, and communities in the children justice process in order to facilitate the reintegration of children as socially constructive and productive members of the society.
- Provisions of this law shall apply to all children in Somaliland irrespective of sex, nationality, religion, ethnic or social origin, immigration or legal status or any other status of the child.
- A child lacking of family support, or educational or employment opportunities must have equal access to available services.
- Children shall be entitled to equal treatment where they commit similar offences.
- State shall provide free legal assistance to destitute children.

Article 6. (Best Interests of the Child)

- In any action and decision affecting children, the best interest of the child shall be the primary consideration.

4.2.2 Privacy & Liberty

Article 7. (Protection of Privacy)

- Privacy of child offender shall be protected at all stages of the process.
- No information that may have negative impacts and lead to the identification of the child shall be published or released.
- Personal records of the child who commit an offence shall be kept strictly confidential and be closed to a third party, unless such a party is directly concerned with the case or a duly authorized person.

Article 8. (Deprivation of Liberty)

- A child may be deprived of liberty only as a measure of last resort; and only for the minimum necessary period of time.
- A child may be deprived of liberty only if he is caught in flagrant delicto or accused of committing offenses set forth by law.
- Children deprived of liberty shall be placed or kept in a safe and secure place permitted by law.

Article 9. (Rights of Child deprived of liberty)

- Any child deprived of liberty shall have the right to:
  - To be notified of the charges against him/her.
  - Get his/her parents or guardian be informed of the reasons of his/her arrest and establish contacts.
  - Be presumed innocent until his/her guilt is proven in a court of law.
  - Have legal counsel and to communicate with his/her legal advisers freely.
  - To be questioned only in the presence of his/her parents, guardian or legal counsel.
  - Get his/her parents or guardian present at all stages of the proceedings.
  - Prompt appearance before the court.
  - Be allowed to Call and cross-examine witnesses and examination in chief.
  - Appeal against any decision or sentence passed on him/her to a higher authority.
  - Free interpretation services if the language of the court is not his/her mother tongue.
  - Be protected from any form of physical punishment and psychological harassment.
  - Be detained separately from adults, and girls from boys.
  - Adequate food and water; sufficient clothing, bedding and blankets and medical treatment, care and support.
  - Education and reading material.
  - Regular visit from parents, relatives and/or lawyers.
- A mentally disabled child or unable to speak who is deprived of liberty shall have the provided in the proceeding article, he/she also has the right to have an expert to explain to him/her needs and requirements.

4.2.3 Criminal Capacity

Article 10. (Criminal Capacity)

Notwithstanding the provisions of the Penal Code or any other law:

- Whoever, at the time he committed an act, had not attained fifteen years of age shall not be liable.
- A child who attained fifteen years of age until eighteen years may be liable for criminal responsibility in accordance with the Penal Code, but not full criminal responsibility.

- Whoever, at the time he committed an act, had attained eighteen years of age shall have complete criminal punishment and shall not be recognized as child or youth.

Article 11. (Proportionality)

- Punishment for commission of an offence by a child must be proportionate to the circumstances of the child, the gravity and the nature of the offence.

Article 12. (Prohibition of Certain Punishments)

- No child shall be subject to:
  - Death penalty.
  - Life imprisonment.
  - Corporal punishment.
- Maximum punishment of the child shall not exceed 15 years (aggravated circumstances).

Article 13. (Protection of the child's record)

- A complete record of the following information concerning every child in the Child Rehabilitation Center, shall be made and kept strictly confidential:
  - Information on the identity of the child.
  - The fact of and reason for commitment and the authority thereof.
  - The day and hour of admission or transfer.
  - Details of any known physical and mental problems.
  - All information of the child in the file shall not be accessible to a third part unless such person has vested interest in the case or legally authorized.
- All reports including legal, medical and disciplinary records and any other document relating to the child shall be placed in a confidential individual file.
- The file shall be kept in a safe place accessible only to authorized persons or parents/legal representatives.
- Every child shall have the right to contest any fact or opinion contained in his/her file so as to permit the rectification of inaccurate, unfounded or unfair statements.

4.2.4 Participation in Crime

Article 14. (Participation)

- Every child who is capable of communicating his/her views shall be given an opportunity to express his/her views in any judicial proceedings concerning the child.
- Views of the child shall be taken into consideration by the court and shall be given due weight in accordance with the age and maturity of the child.

- It is the responsibility of the judge to provide a lawyer or interpreter to assist the child that is unable to express his views.
- The lawyer provided by the proceeding article shall not be absent from the court hearings.

4.2.5 Children's Police

Article 23. (Establishment of Children Police)

- Special Police Unit, hereafter called the Children Police, shall be established and operative in all cities and towns where there is a Children Court.
- The Children Police Unit shall be nominated by the Police Commissioner in consultation with the Minister of Justice.

Article 24. (Duties and responsibilities of the Children Police)

- To protect public security, peace and order through prevention of children crimes, apprehension of young offenders, investigation of offences committed by children and against children.
- To protect rights of children.
- To provide security and safety to children.
- To protect children who are victims of abuse or, those who are at risk.

Article 25. (Children Police Training)

- Children Police Officers and Investigators shall be given an adequate training.

Article 26. (Conditions for Recruiting Children Police Officers)

Children Police Officers shall be required:

- To have a minimum qualification of Secondary School Certificate or its equivalent.
- To have successfully completed Children Police Training.
- To have high moral values, professional ethics and decency.
- Must not have been accused of offenses against children.

4.2.6 Arrest of a Child

Article 47. (Arrest and Security of the Child)

- A child under 15 years of age shall not be arrested for an offence unless his safety requires.
- If a child is arrested for security reasons, his/her parents or guardian shall be notified as soon as possible.
- A child under 15 years of age caught in flagrante delicto shall be held on bail.

Article 48. (Execution of Arrest)

- The execution of arrest of a child shall be carried out in accordance with article 29 of the Criminal Procedure Code.

Article 49. (Place of Arrest)

- A child who has been arrested shall be kept in a Children Pre-trial Detention Center.

Article 51. (Interrogation)

- The Children Police Officer shall not undertake the interrogation of a child and must ensure the presence of his/her parents, guardian or legal representative.

Article 52. (Reporting Arrest)

- Arrest of a child shall be immediately reported to:
  - The Office of the Attorney General.
  - The competent Children court.
- If the Children Police fails to report the arrest of the child within 24 hours, a written report explaining the reasons of the failure shall be submitted to the Children Court at the preliminary hearing.

4.2.7 Court, Bail & Evidence

Article 53. (Appearance at the Court)

- The arrested child shall be brought to a competent Children Court within 48 hours.
- If the 48 hours expire on a day, which is not a court day, the child shall be brought to court not later than the end of the first court day.
- The Children Police Officer taking the child to the court must prepare and submit a report containing:
  - Fact of the case.
  - Reasons for the arrest.
  - Personal details of the arrested child and any other person involved in the case.

Article 54. (Summon to appear before the Children Court)

- The summon shall specify the place, the date and the time of the hearing.
- A copy of such summon shall be served to the child, parents or his guardian.
- Within 24 hours after serving the summon, the Children Police Officer in charge of the case, must inform the Probation Officer concerned, that such summon has been served in the prescribed manner.

Article 55. (Bail)

- Notwithstanding the provisions of any other law, a child may be released on bail into the care of his parents, guardian.
- The conditions of the bail shall be in accordance with the provisions of the Criminal Procedure Code.
- If the parents, guardian or responsible person do not comply with the conditions of the bail the release shall be revoked.

Article 78. (Evidence)

- Unless this law otherwise provides, all proceedings relating evidence should be applied in line with the Criminal Procedure.

Article 80. (Admissibility of Certain Evidence)

- Children Court may take as an evidence obtained as a result of a confession or an admission rendered admissible under Criminal Procedure Code, is admissible as evidence in Children Court only if the parent or guardian or legal representative is present.
- No evidence relating to an identification parade is admissible in a Children Court without the aforementioned representation on behalf of the child.
- Court may participate in eliciting evidence from any person involved in the proceedings if it would be in the interest of the child.

Chapter 5
Somaliland Penal Code

5.1 Introduction

The first substantive criminal law of Somaliland was the Indian Penal Code (1860), which was introduced during the British period of Colonial Rule and remained in force until 1964.

After the union with Somalia, the Somali Republic National Assembly passed Law No: 5 of 30 January 1962, which delegated to the Government power to enact within six months:

- Penal Code.
- Criminal Procedure Code.
- Traffic Code.
- Organisation of the Judiciary Law.

In reality this did not happen, in part due to the enormous complexity of the task and the prevailing political situation when the Greater Somalia was formed through the merging of the former British and Italian Protectorates.

As it was obviously impossible to produce two original codes within the allotted time, the first question was whether to use the Somaliland law or the Somalia law. The deciding factor was, in the end, guided by the fact that most of the ministers and government officials were Italian trained, and so they opted for the Italian Penal Code.

Except for a few changes to reflect Somali circumstances, the Code is word-for-word the Italian 1930 Penal Code drafted by a Special Commission.

The Somaliland **Penal Code** was first prepared in 1957 by the Somalia Court of Justice. After the 1962 Decree Law, a Legal Committee completed the draft, which was then sent to Somaliland for comments, and following a number of amendments the Code came into force on **2 April 1964**.

On reassertion of its independence in 1991, the Republic of Somaliland decided to continue applying the Penal Code and therefore all the references to the state and the government in the Penal Code would be to Somaliland and not Somalia.

The Code has been in force in Somaliland since then, but, under Article 130(5) of the Constitution (and prior to that under the Somaliland National Charter), all the articles in the Code which are in conflict with Somaliland sovereignty, Islamic Shari'ah or the fundamental rights and freedoms enshrined in the Somaliland Constitution are null and void.

Human rights law has developed since the code (and its 1930s model) were drafted and there are a number of articles (such as those which protect public officials unduly to the detriment of the rights of citizens) that are likely to fail this test.

The remainder of the Code, which does need some updating, is proving to be useful for Somaliland, primarily because the police forces and the legal profession have been trained on it, and it is, after all, fairly comprehensive in its coverage.

The Code consists of **641 Articles**, grouped into three Books, which are headed:

- **Offences in General** - covering general principles that apply to all offences, such as the elements of an offence, the offenders, punishment etc.
- **Crimes** - Serious offences, such as murder, rape etc.
- **Contraventions** - Minor offences such as begging, failure to control large and dangerous animals etc.

5.2 Articles relevant to Police Investigations

Listed below are the articles that directly relate to the Police and the investigation of serious crime.

5.2.1 General Provisions

Article 1. (Offences and Punishment to Be Expressly Provided by Law)

- No one shall be punished for an act which is not expressly made an offence by law, nor with a punishment which is not prescribed therefore.

Article 3. (Persons to Whom the Penal Law Is Applicable)

- Except as otherwise provided by national or international law, the Somali penal law shall be applicable to all, citizens or aliens, who are in the territory of the State.
- The Somali penal law shall also be applicable to citizens or aliens who are outside the territory of the State.

Article 5. (Ignorance of Penal Law)

- No one may allege ignorance of the penal law as an excuse.

Article 6. (Offences Committed in the Territory of the State)

- Whoever commits an offence in the territory of the State shall be punished according to Somali penal law.
- An offence shall be deemed to be committed in the territory of the State when the act or omission constituting it occurred therein in whole or in part, or where the consequences of the act or omission occurred therein.

Article 9. (Cases in which Criminal Proceedings Cannot Be Instituted)

- Apart from the cases specified in article 7, criminal proceedings for a crime committed abroad cannot be instituted against a person who was finally acquitted abroad of the same crime or against a person who, abroad, has been convicted of a crime and has served the sentence prescribed therefore.

Article 15. (Offences: Distinction between Crimes and Contraventions)

- Offences shall be divided into crimes and contraventions, according to the different nature of the punishments respectively prescribed for them by this Code.

Article 16. (Offences Committed)

- Except as otherwise provided by the penal law, an offence shall be considered committed where the act or omission on the part of the offender has caused the harmful or dangerous event indicated in the penal law.

Article 17. (Crimes Attempted)

- A crime shall be considered attempted where the act or omission on the part of the offender, unequivocally directed towards causing the event, has not been entirely completed, or where the event has not resulted.

5.2.2 Material Element of Offences

Article 20. (Action and Event: Relation of Cause and Effect).

- No one may be punished in respect of an act or omission deemed by the law to be an offence, if the harmful or dangerous event upon which the existence of the offence depends is not the consequence of his act or omission.
- Where there is a legal obligation to prevent an event, failure to prevent it shall be equivalent to causing it.

5.2.3 Psychological Element of Offences

Article 23. (Psychological Element)

- No one may be punished for an act or omission deemed by the law to be an offence unless he has done it knowingly and willfully.

Article 26. (Accident or Force Majeure)

- Whoever has committed an act through accident or force majeure shall not be punishable.

Article 27. (Physical Compulsion)

- Whoever has committed an act, having been compelled to do so by others by means of physical violence which he could not resist or from which he could not in any way escape, shall not be punishable.
- The person who employed the violence shall be responsible for the act committed by the person constrained.

Article 28. (Mistake of Fact)

- Nothing is an offence which is done by any person by reason of mistake of fact as to the act constituting the offence.

- However, where the mistake is committed through culpa and the fact constitutes a crime committed with culpa, punishment shall not be excluded.
- Mistake of fact as to the act constituting a particular offence shall not exclude liability to punishment where the act constitutes a different offence.
- Mistake of law other than the penal law shall exclude liability to punishment where the mistake of law has resulted in a mistake or fact as to the act constituting the offence.

Article 29. (Mistake Caused by Deceit of Another)

- The provisions of the preceding article shall also apply in the mistake of fact as to the act constituting the offence is caused by deceit committed by another person; in this case, however, the person who has induced or deceived person to commit the act shall be liable for the same.

Article 33. (Exercise of a Right or Performance of a Duty)

- Nothing is an offence which is done in the exercise of a right in the performance of a duty imposed by law by a lawful order of a public officer.
- If an act constituting an offence is committed by order of a superior officer, the officer who has given the order shall be liable for the offence.
- The person who carried out the order shall also be liable for the offence unless, owing to a justifiable mistake, he believed he was obeying a lawful order.
- Whoever carries out an unlawful order shall not be punishable when the law does not allow him to question the legitimacy of the order.

Article 34. (Private Defence)

- Whoever has committed an act, having been compelled by the necessity of defending his own or another person's right against the actual danger of an unlawful injury, shall not be punishable provided that the defence is proportionate to the injury.

Article 35. (Lawful Use of Arms)

- Subject to the provisions contained in the two preceding articles, a public officer shall not be punishable if, for the purpose of performing a duty his office, he employs or orders the employment of arms or orders the employment of arms or other of physical coercion when he is compelled to do so by the absolute necessity of repelling violence or overcoming resistance to the authorities, or avoiding the escape of a person lawfully arrested or detained for an offence.
- The provisions of the first paragraph shall apply to any person who, being lawfully requested by a public officer, affords him assistance.

5.2.4 The Offender and the Injured Party

Article 47. (Capacity of Understanding and at Volition)

- No one may be punished for an act constituting an offence if, at the time when he committed it, he was not liable.
- Whoever possesses the capacity of understanding and of volition shall be liable.

Article 50. (Total Mental Deficiency)

- Whoever, at the moment when he committed an act, was by reason of infirmity, in a state of mind such as to preclude capacity of understanding and of volition, shall not be liable.

Article 51. (Partial Mental Deficiency)

- Whoever, at the moment when he committed an act, was, by reason of infirmity, in a state of mind such as largely to diminish, without precluding, his capacity of understanding or of volition, shall be liable for the offence committed, but the punishment shall be reduced.

Article 52. (Conditions of Emotion or Passion)

- Liability shall not be precluded or lessened by conditions of emotion or passion.

Article 53. (Drunkenness Due to Accident or Force Majeure)

- Whoever, at the moment when he committed an act, had not the capacity of understanding or of volition, owing to total drunkenness arising from accident or force majeure, shall not be liable.
- If the drunkenness was not total, but was nevertheless such as largely to lessen liability, without precluding it, the punishment shall be reduced.

Article 56. (Drunkenness Caused by Narcotic Drugs)

- The provisions of the preceding articles shall also apply when the act has been committed under the influence of narcotic drugs.

Article 58. (Deaf and Dumb Condition)

- A deaf and dumb person who, at the time when he committed an act, had not the capacity of understanding or of volition, by reason of his infirmity, shall not be liable.
- If the capacity of understanding or of volition was largely diminished, but not entirely nonexistent, the punishment shall be reduced.

Article 59. (Persons Under Fourteen Years of Age)

- Whoever, at the time he committed an act, had not attained fourteen years of age, shall not be liable

Article 71. (Punishment for Those Who Participate in an Offence)

- Where more than one person participates in the same offence, each of them shall be liable to the punishment prescribed therefore, except as otherwise provided in the following article.

Article 72. (Causing a Person not Liable or not Punishable to Commit an Offence)

- Whoever has caused a person who is not liable, or not punishable on account of a personal condition or capacity, to commit an offence, shall be liable for the offence committed by that person; and the punishment shall be increased.

Article 81. (Right at Making Complaint)

- Except for offences in respect of which proceedings are initiated by the State, any offence shall be punishable upon the complaint of the party injured.

Article 84. (Time Limit for Complaint)

- Except as otherwise provided by law, the right of making complaint may not be exercised after the lapse of one month from the date when the act constituting the offence was brought to the notice of the party injured.

Article 86. (Withdrawal of the Complaint)

- Except as otherwise provided by law, a complaint may be withdrawn expressly before judgment is pronounced by the Court of first instance.
- Where there are more than one complainants, the withdrawal by one of them shall not operate as a withdrawal with respect to the others.

Article 291. (False Evidence)

- Whoever, giving evidence as witness before the judicial authorities, affirms what is false or denies what is true, or conceals, wholly or in part, what he knows concerning the facts regarding which he is being questioned, shall be punished with imprisonment from six months to three years.

Article 292. (False Opinion of Experts or False Interpretation)

- An expert or an interpreter who, having been appointed by the judicial authorities, gives false opinion or false interpretations, or affirms facts which are not in conformity with the truth, shall be subjected to the punishment prescribed in the preceding article.

Article 297. (Assistance to a Suspected Person)

- Whoever, after the commission of a crime in respect of which the law prescribes the punishment of death, imprisonment for life or imprisonment, and not being himself a participant thereto, assists anyone to evade the investigation of the authorities, or to escape searches made by them, shall be punished with imprisonment up to four years.

Article 306. (Assisting Escape)

- Whoever effects or facilitates the escape of a person lawfully arrested or imprisoned lawfully arrested or imprisoned for an offence, shall be punished with imprisonment from six months to five years.
- Where the act is committed for the benefit of a person sentenced to death or imprisonment for life, the punishment shall be imprisonment from three to ten years.

5.2.5 Crime against Public Safety

Article 329. (Carnage)

- Whoever, other than in the cases referred to in article 222, with the intention of causing death, commits any act so as to endanger public safety, shall be punished with imprisonment up to fifteen years.
- Where the act results in the physical injury of any person, the punishment shall be imprisonment for life.
- Where the act results in the death of any person the punishment of death shall be imposed.

Article 330. (Causing Disaster)

- Whoever causes fire, flood, shipwreck or sinking of a ship or any other floating structure, crashing of an aircraft, destruction of any public means of transport, demolition of a building or any other disaster, endangering public safety, shall be punished, where the act does not constitute a more serious offence, with imprisonment from three to ten years.

Article 342. (Trading in Narcotics)

- Whoever, other than in the cases allowed by law, trades in narcotics, or has them in his possession for the purpose of sale, or supplies them or procures them for others, shall be punished with imprisonment from one to three years and with a fine.

Article 343. (Abetting the Use of Narcotics)

- Whoever, not being a party to the crime referred to in the preceding article, uses or permits the use of premises, public or private, for the meeting of persons for the purpose of consuming narcotics shall be punished with imprisonment from six months to two years and with a fine.

5.2.6 Crimes relating to Abuse of Good Faith of the Public

Article 348. (Counterfeiting Currency)

- The following shall be punished with imprisonment from three to twelve years and with a fine:
  - Whoever counterfeits national or foreign currency, being legal tender in the State or abroad.

- Whoever in any manner alters genuine currency by giving it the appearance of a higher value or by decreasing its actual value.
- Whoever, not having been a party to the counterfeiting or alteration, but acting in concert with the person who has carried out the process or through an intermediary, introduces into the territory of the State counterfeit or altered currency, or holds, spends or otherwise places it in circulation.
- Whoever, for the purpose of putting it into circulation, purchases or in any way receives counterfeit or altered currency from the person who has counterfeited it, or from an intermediary.

5.2.7 Crimes against Morals and Decency

Article 398. (Carnal Violence)

- Whoever with violence or threats has carnal intercourse with a person of the other sex, shall be punished with imprisonment for five to fifteen years.
- The same punishment shall be imposed on anyone who has carnal intercourse with a person of the other sex who is incapable of giving consent or with a person who has been deceived by the offender personating as another person.
- The same punishment shall be imposed also on a public officer who, by abusing his power, has carnal intercourse with a person of the other sex who is under arrest or detained in custody under the said officer by reason of his office or entrusted to him in execution of an order of the competent authority.
- For purposes of penal law, penetration of the male sexual organ shall constitute carnal intercourse.

Article 399. (Acts of Lust Committed with Violence)

- Whoever, by employing the means or under the condition specified in the preceding article, commits upon a person of the other sex acts of lust other than carnal intercourse shall be punished with imprisonment from one to five years.

5.2.8 Crimes against the Person and safety of Individuals

Article 434. (Murder)

Whoever commits murder shall be punished with death.

Article 439. (Assault)

- Whoever strikes another and no physical or mental illness results there from, shall be punished, on the complaint of the party injured with imprisonment up to six months or with fine.

Article 440. (Hurt)

- Whoever causes hurt to another from which physical or mental illness results, shall be punished with imprisonment from three months to three years.

- The hurt shall be deemed to be grievous and imprisonment from three to seven years shall be imposed:
  - Where the act results in an illness which endangers the life of the person injured, or in an illness or incapacity which prevents him from attending to his ordinary occupation for a period exceeding forty days.
  - Where the act produces a permanent weakening of a sense or organ; c) where the party injured is a pregnant woman and the act results in the acceleration of the birth.
- The hurt shall be deemed to be very grievous, and imprisonment from six to twelve years shall be imposed, where the act results in:
  - An illness certainly or probably incurable.
  - The loss of a sense.
  - The loss of a limb, or a mutilation which renders the limb useless, or the loss of the use of an organ or of the capacity to procreate or a permanent and serious difficulty in speech.
  - Deformity, or the permanent disfigurement of the face.
  - The miscarriage of the person injured.

Article 444. (Affray)

- Whoever takes part in an affray shall be punished with imprisonment up to one year or a fine
- Where, in the course of the affray, someone is killed, or receives hurt, the punishment for the act of participating in the affray shall be imprisonment from three months to five years
- The same punishment shall apply where death or hurt occurs immediately after the affray and in consequence thereof
- The punishment prescribed in the two preceding articles shall be increased where the affray is caused for political reasons or by rivalry between ethnical groups

Article 445. (Death Caused by Negligence)

- Whoever by culpable negligence causes the death of another, shall be punished with imprisonment from six months to five years.
- In the case of the death of more than one person, or the death of a person and hurt to one or more persons the punishment shall not exceed in the aggregate twelve years.

Article 446. (Hurt caused by Negligence)

- Whoever by culpable negligence causes hurt to another shall be punished with imprisonment of up to three months or a fine.
- Where the hurt is grievous, the punishment shall be imprisonment from one to six months or fine.
- Where it is very grievous imprisonment shall be from three months to two years or fine.

- In the case of hurt to more than one person, the provisions of article 44 shall apply, but the punishment of imprisonment shall not exceed in the aggregate, five years.

Article 447. (Death or Hurt Caused as a Consequence of Another Crime)

- In cases other than those provided for in article 441, whenever the death or hurt of a person results from an act which is made a crime committed with criminal intent by law, as a consequence not intended by the offender, the provisions of articles 445 and 446 shall apply, but the punishment shall be increased.

5.2.9 Crimes against Human Personality

Article 455. (Reduction to Slavery)

- Whoever reduces a person to slavery or to a similar condition, shall be punished with imprisonment from five to twenty years.

Article 456. (Dealing and Trading in Slaves)

- Whoever deals or in any manner trades in slaves or persons in a condition similar to slavery, shall be punished with imprisonment from five to twenty years.

Article 457. (Sale and Purchase of Slaves)

- Whoever, other than in the cases referred to in the preceding article, disposes of or transfers a person who is in a state of slavery or a similar condition, or takes possession of or purchases or holds such person in such state, shall be punished with imprisonment from three to twelve years.

Article 458. (Enforced Subjection)

- Whoever compels another to submit to his own power, so as to reduce him to a total state of subjection, shall be punished with imprisonment from five to fifteen years.

Article 459. (Crimes Committed Abroad)

- This section shall also apply when the act is committed abroad to the prejudice of a Somali national, provided that the offender is within the territory of the State when criminal proceedings are initiated.

5.2.10 Crimes against Personal Liberty

Article 460. (Seizure of a Person)

- Whoever deprives another of personal liberty shall be punished with imprisonment from six months to eight years.

5.2.11 Crimes Against Property

Article 480. (Theft)

- Whoever, for the purpose of deriving wrongful gain for himself or for another, takes any movable property of another, by depriving him of the possession thereof, shall be punished with imprisonment up to three years and with a fine.
- For the purposes of penal law, electric power and any other power which has an economic value are deemed to be movable property.

Article 481. (Aggravating Circumstances)

- The punishment shall be imprisonment [96 P.C.] from one to six years and an increased fine:
  - Where the offender, in order to commit the act, enters or remains in a building or other place intended for habitation.
  - Where the offender employs violence against objects or avails himself of any fraudulent means.
  - Where the offender carries upon his person arms or narcotics, even without making use of them.
  - Where the act is committed by sleight of hand, or by snatching any movable property from the hand or person of another.
  - Where there is a concurrence of two or more of the circumstances referred to in the preceding paragraph, or where one of the said circumstances exists along with one of those referred to in Article 39, the punishment shall be imprisonment from three to ten years and fine.

Article 487. (Trespass)

- Whoever, for the purpose of appropriating, wholly or in part, the immovable property of another, removes or alters the boundaries thereof, shall be punished with imprisonment up to three years or a fine.

Article 491. (Damage to Property)

- Whoever destroys, disperses, spoils or renders wholly or partly unserviceable the movable or immovable property of another, shall be punished, on the complaint of the party injured, with imprisonment up to one year and with a fine.
- The punishment shall be imprisonment from six months to three years and proceedings shall be initiated by the State, where the act is committed with violence against the person or with threats.

Article 496. (Cheating)

- Whoever, by deceit or subterfuge, leads another into error and obtains for himself or another a wrongful gain to the detriment of another, shall be punished with imprisonment from six months to three years and with a fine.
- The punishment shall be imprisonment from one to five years and a fine:
  - Where the act is committed to the detriment of the State or of any public Body, or under the pretext of securing exemption for anyone from military service.
  - Where the act is committed by inducing in the party injured the fear of an imaginary danger or an erroneous belief of having to comply with an order of the Authorities.

Chapter 6
Key Roles in the Criminal Justice System

6.1 Introduction

The Criminal Justice System in Somaliland refers to the entire system governing the judicial process, which exists to regulate the behaviour of society with regards to:

- Creating fair and equitable criminal laws and procedure.
- Preventing crime and criminal activities.
- Identifying suspected offenders and collecting evidence.
- Testing the evidence in a court of law to an acceptable international standard.
- Applying the full sanction of the law to those found guilty.
- Managing penal imprisonment and other punishments of convicted offenders.

The Criminal Justice System consists of three main parts:

- **Legislative**
  To create laws and legal instruments and procedures.
- **Adjudication**
  Police to investigate, Prosecution to advocate, Defenders to defend and the Courts to adjudicate.
- **Corrections**
  Prisons to manage those sentenced to custodial detention.

In the Criminal Justice System, these distinct agencies and representatives operate together, with key roles and responsibilities, both under the rule of law and as the principal means of maintaining the rule of law within society.

For the purposes of this Manual the individual roles and responsibilities of the Criminal Investigator, the Prosecutor (Attorney General's Office in Somaliland), the Criminal Defence Lawyer and the Criminal Trial Judge will be presented in more detail.

6.2 The Criminal Investigator

An Investigator is any Police Officer in Somaliland involved in the conduct of a criminal investigation. The Investigator's duties include:

6.2.1 Commence an Investigation

- Undertake investigations into reports of crime or suspected criminal behaviour.
- Commence an investigative diary at the beginning of an investigation and keep all records of investigation.
- Carry out each investigation with integrity and ensure that information and knowledge of the investigation is kept in the utmost confidence.
- Diligently investigate all aspects of a complaint in line with the Criminal Procedure and Penal Codes of Somaliland.
- Explore all avenues of the investigation where evidence may be discovered that assists the investigation.

6.2.2 Obtain evidence

- Obtain evidence from victims, witnesses and suspects and other sources, and keep the material safe and secure.
- Deal with suspected offenders ('defendants' once charged) in a fair manner and ensure they are given access to legal representation.
- Where it appears that an investigation is likely to result in a criminal prosecution, establish direct contact with a Prosecutor at the earliest opportunity and maintain regular liaison.
- Submit regular and timely updates of investigations to Police Supervisors and where relevant to the Prosecutor.

6.2.3 Prepare a Prosecution File

- Compile and submit a crime investigation file on each investigation undertaken.
- Carry out further investigations as directed by the Prosecutor.
- Where appropriate give evidence before Court concerning any element of the investigation.

6.3 The Prosecutor

The Prosecutor has four main tasks:

- To review the evidence arising from a Police Criminal Investigation.
- To direct further investigations by the Police where appropriate.
- To decide whether or not to instigate legal proceedings.
- To present and manage the prosecution case in the Criminal Court.

In Somaliland the Prosecutor for serious criminal matters is an Assistant Attorney General. In lesser cases the Prosecution may well be conducted by an experienced Police Officer under the supervision of the AGO.

6.3.1 Reviewing the Evidence

It is the Prosecutor's duty to review the evidence arising from a Police Investigation to ensure that it:

- Has been obtained in an acceptable manner.
- Is relevant.
- Is legally admissible.

The review must ensure that each of these must accord with rules of evidence as detailed in the Criminal Procedure and Penal Codes.

6.3.2 Directing further Investigations

Where there are any ambiguities in the investigation evidence, or where there appear to be opportunities to acquire further evidence to support the case, the Prosecutor may instruct the Police to carry out further investigation.

6.3.3 Decision to Charge

It is the Prosecutor's responsibility to decide whether or not to proceed with criminal charges against a defendant. This decision must be based on sound and impartial judgment and on a subjective test of the evidence to ascertain whether there is a realistic chance of a finding of guilt against the defendant, based on the Prosecution's duty to prove its case 'beyond all reasonable doubt'.

6.3.4 Managing the Prosecution Case in Court

It is the Prosecutor's responsibility to present and manage the Prosecution Case before a Criminal Court, to include bringing witnesses and supporting evidence to establish the burden of proof and to cross-examine witnesses for the defence.

6.4 The Criminal Defence Lawyer

The Criminal Defense Lawyer's role is to represent the defendant at all stages in a Criminal Investigation and Prosecution, that is:

- Provide legal advice to a defendant as soon as is it possible following their initial arrest.
- Be present during interviews between the Police and the defendant.
- Represent the defendant during court proceedings.

The Criminal Defence Lawyer's responsibilities include:

6.4.1 During the Investigation

- Ensuring the defendant has been treated in accordance with the law during the investigation process
- Ensuring that the defendant is interviewed fairly and has been given on opportunity to rebut allegations made

6.4.2 During Pretrial Preparation

- During the preparatory stage prior to a trial, challenge the integrity of Prosecution evidence if it appears there have been procedural errors.
- If the defendant admits guilt, prepare suitable and appropriate mitigating circumstances to be put to the Judge prior to sentencing.
- If the defendant denies the charges, to put together a credible defence argument, including preparation of an alibi and/or other supporting witnesses.

- Negotiate with the prosecutor to have charges reduced or even dropped in appropriate cases.

6.4.3 During the Trial

- During the criminal trial cross-examine prosecution witnesses and challenge evidence to test its provenance.
- Where appropriate submit an application to the court to dismiss the charges because of unreliable evidence or testimony.
- Present evidence intended to rebut the prosecution case.

It is important to note that there is no burden of proof for the defendant. They do not have to answer interview questions, and they do not have to give evidence in court or present their own witnesses.

However, the Prosecution can comment on such refusal during any subsequent trial.

6.5 The Criminal Trial Judge

The Criminal Trial Judge is a very important part of the Criminal Justice Process. They have ultimate sanction over the defendant and therefore should be independent of control by the State, impartial at all times, and objective in their decision making.

In Somaliland, Criminal Trials are heard and decided upon by a Judge; there is no 'Jury' system. In practice this means that the Judge is 'Trier' of both the law and the facts.

In discharging these responsibilities the Judge's role includes:

- Managing the Criminal Trial.
- Interpreting the Law.
- Assessing the Evidence.
- Deciding on findings of Guilt.
- Sentencing.

6.5.1 Managing the Criminal Trial

This means ensuring that the court process follows the administrative rules concerning the management of trials, including the actual conduct of the trial, so that all parties to proceedings, prosecution and defence, behave accordingly.

6.5.2 Interpreting the Law

Ensuring that the Prosecution case or any Defence rebuttal have been prepared, presented and advocated in accordance with the current laws and procedures of the State. This includes interpretation or application of any relevant case law.

6.5.3 Assessing the Evidence

Carefully reviewing the facts of the case to assess the weight of the prosecution evidence, to test whether they have discharged their duty to prove the case ‘beyond all reasonable doubt’ and to take into account any defence rebuttal put forward.

6.5.4 Decide on findings of Guilt

To make a finding of guilt based on the interpretation of the law and an assessment of the evidence presented to the Court. It is not the Court’s duty to make a finding of innocence.

6.5.5 Sentencing

To impose a fair and just punishment, imprisonment and/ or fine, on a defendant found guilty, in accordance with any sentencing guidelines enacted by the State.

Chapter 7
Somaliland Judiciary & Courts

7.1 Introduction

The Somaliland Judiciary consists of the Courts and the AGO.

The State of Somaliland has a Judicial Branch whose function is to adjudicate on the disputes between the Government and the public and between the various members of the public.

The Judicial Branch fulfils its duties in accordance with the Constitution and the laws of the land, and in a manner independent of the other branches of the state.

The Judiciary has the power to:

- Interpret, in accordance with the Constitution, the laws passed by the Constitutional bodies and emergency laws.
- Adjudicate on disputes between the governmental bodies and the public, and between the members of the public.
- Adjudicate on all disputes which relate to compliance with the provisions of the Constitution.

7.2 Courts of Law

Somaliland Courts of Law are:

- Courts of First Instance, which are the District Courts and the Regional Courts.
- The Courts of Appeal, which are based in each region.
- The Supreme Court, which also functions as:
  - The Constitutional Court.
  - Can also sit, with additional representatives, as the High Court of Justice when dealing with impeachment of ministers and Chairpersons of the Independent Agencies of the State.
- Courts of the Armed forces (consisting of Lower and Supreme Courts) which deal with criminal cases against members of the armed forces.

7.2.1 The District Court

Deals with the following:

- All claims based on Shari'ah (Islamic Law), which are primarily matters relating to family law and succession.
- Civil litigations concerning suits for amounts up to 3 million Somaliland Shillings.
- Criminal cases punishable by imprisonment for up to 3 years or fines up to 3 million Somaliland Shillings.
- Any claims arising out of local government elections which are placed under the jurisdiction of this Court by the Electoral Laws.

The Court has a Juvenile Section which deals with criminal cases committed by juvenile offenders, and which are punishable with imprisonment of not more than three years or a fine of not more than 3 million Somaliland Shillings.

Such cases are heard by the Chairman of the District Court and two Assessors.

The court also has an Enforcement Section.

The Court is chaired by a District Judge.

7.2.2 The Regional Court

Deals with:

- All civil litigations which do not fall within the jurisdiction of the District Court.
- All criminal cases which do not fall within the jurisdiction of the District Court.
- All claims under the Labour/Employment or Commercial law.
- Any claims arising out of local government elections, which are placed under the jurisdiction of this Court by the Electoral Laws.

The Court is divided into the following sections:

The Civil Cases Section of the Court

Deals with all civil litigation which are not within the jurisdiction of the District Court.

The Criminal Cases Section

Which is divided into two sections:

- General Section
  Deals with criminal cases which are punishable with imprisonment of more than 3 years and not more than 10 years; these cases are heard by a single judge.
- Assize Section
  Deals with criminal cases punishable by more severe punishments, which are heard by the Chairman of the Regional Court, a Regional Court Judge and an assessor.

The Taxation and Finance Section

Deals with cases relating to tax and finance.

The Juvenile Section

Deals with criminal cases committed by juvenile offenders, which are not within the jurisdiction of the District Court.

These cases are heard by the Chairman of the Court and two Assessors.

7.2.3 Regional Court of Appeal

Deals with all appeals from the District and Regional Courts. Each Court of Appeal is divided into:

The General Appellate Section

Deals with appeals from the District Court and from the General Section of the Regional Court.

The Assize Appellate Section

Deals with appeals from the Assize Section of the Regional Court. Such appeals are heard by the Chairman of the Court, two Judges of the Appellate Court and two Assessors.

The Juvenile Section

Deals with cases with Appeals from the District and Regional Juvenile Sections.

The Taxation & Finance Section

Deals with from the District and Regional Taxation and Finance Sections.

7.2.4 The Supreme Court

The Supreme Court (also the Constitutional Court, see below) is the highest judicial organ in the country and consists of the Chairman and at least four judges.

The Supreme Court deals with:

- All appeals from the Appeal Courts.
- Jurisdictional issues between the courts of the land.
- Administrative Suits relating to the final decisions of public bodies.
- Declaration of General Elections (presidential and parliamentary results).
- Decisions on any complaints relating to such elections.
- Appeals from lower courts' decisions in respect of complaints relating to local government elections.
- Reviewing of its own decisions.

The Supreme Court may sit as a bench of three judges or as a full bench in important issues. The judges of the Supreme Court also constitute the Constitutional Court.

7.2.5 The Constitutional Court

The Constitutional Court sits as a full bench and can:

- Adjudicate on suits from interested parties relating to the constitutionality of the acts and decisions of the Government and the Legislature.
- Interpret the provisions of the Constitution and the laws of the land when these provisions are subject to controversy and submitted to the Court by an interested party.

- Reach decisions on court decisions which are challenged as being contrary to the Constitution.

The judges of the Supreme Court can also sit as the High Court of Justice with an additional four representatives from the two Houses of Parliament (two from each House).

This special court deals with the impeachment of ministers and chairpersons of the Independent Agencies of the State.

The Commission is chaired by the Chairman of the Supreme Court and consists of:

- The Chairman.
- Two other most senior judges of the Supreme Court.
- The Attorney General.
- Chairman of the Civil Service Commission.
- Director General of the Ministry of Justice.
- Four members of the public selected once every two years by the two Houses of Parliament (two by each House).

The Commission also deals with the deployment, transfer, promotion, demotion and disciplining of judges and Deputy Attorney Generals.

The Chairman and judges of the Supreme Court are appointed by the President, in consultation with the Judicial Commission, under Article 105 of the Constitution, but in respect of the Chairman, the appointment must be confirmed at a joint sitting of both Houses of Parliament.

The President may dismiss the Chairman of the Supreme Court subject to the approval of both Houses.

Chapter 8
Evidence, Searching & Crime Scenes

8.1 Introduction

In order to deliver an effective criminal justice system, in particular that part dealing with the investigation of crime and the prosecuting of individuals suspected of crime, investigations need to be of a very high standard.

It is imperative that the differing participants in the criminal justice system, notably the Police and Prosecutor, ensure that they understand each other's different duties and responsibilities in the investigative process and strive to work closely together.

To achieve this the Police, and in particular the Investigator, need to have a thorough and detailed knowledge of the rules of evidence, the evidence types, search and seizure powers and the effective management of crime scenes, in order to successfully undertake their role.

The Investigator therefore needs to ensure from the very start of an investigation that they adopt an 'investigative mindset' that dictates everything they do must be done in accordance with the law and to an acceptable standard.

This starts at the very beginning of the investigative process when they first receive a complaint of crime or they arrest a suspect. This must then continue through the evidence recovery phase, through searching for and seizing of evidence, to interviewing suspects and concluding with the preparation of the prosecution file.

An important element of this process also involves the continual acquisition and development of knowledge, both about the law and current and emerging investigative techniques.

Additionally, the Investigator must understand and apply the principle of the 'chain of custody' throughout the entire process.

This means that all the evidence that comes to be relied upon at the Criminal Court trial must have been acquired properly, must have been correctly recorded and then kept in safe, accountable and continuous custody of the Police.

Any periods when the evidence leaves the custody of the Police, for example when being examined by an Expert or being reviewed by the Prosecutor, must be properly recorded and accounted for.

8.2 Criminal Evidence

Introduction

Criminal evidence is any exhibit or witness testimony regarding a crime. It can take many forms and is typically used to establish that a crime has been committed and to identify blame or fault in a criminal case.

What constitutes acceptable criminal evidence varies somewhat between legal systems, although ideally, evidence provides reasonably reliable information that gives a more complete picture of a crime.

Evidence is often determined as being either direct or circumstantial.

The Somaliland Criminal Procedure Code (CPC) - Book 3, lays down rules of evidence for Somaliland.

8.2.1 Direct evidence

Provides information that is true beyond all reasonable doubt.

It is often used in court terminology to describe evidence that straightforwardly supports the guilt or innocence of a person on trial.

For example: video, tape recordings, DNA, fingerprint evidence and some types of witness testimony can be used as direct and objective evidence to support a claim.

Also if the person on trial went out and bought a gun and bullets the day before the victim was shot, the prosecution will want the judge or jury to infer that the accused bought the gun to shoot the victim.

Enough telling circumstantial evidence can convince people to believe that someone is innocent or guilty, but by itself cannot prove that an event took place.

Direct evidence, in contrast, leaves little or no possibility of a different conclusion. Although there is no legal distinction between circumstantial and direct evidence, the latter is often seen as more objective.

Witness testimony is usually considered circumstantial as it may be motivated by emotion, fear or even a desire for revenge.

Direct and objective evidence helps smooth out the uncertainty of circumstantial claims.

While a witness or a lawyer can manipulate the truth, DNA, finger print or photo / video evidence is inherently objective and usually cannot lie.

As the court assumes everyone is truthful to his or her oath of honesty, some witness testimony is widely considered to be direct evidence.

A witness who testifies to personally seeing or hearing an event is giving direct evidence and the judge must determine for themselves the reliability of such a witness, based on several factors.

If the witness is unrelated to the case, does not know the participants, has no criminal record, and has no stake in the outcome of the case, they are generally treated as more reliable than the accused person’s mother or the victim’s best friend.

8.2.2 Reasonable doubt

In law terminology this refers to the level of surety that a judge must have about whether the defendant committed a crime in order to render a guilty verdict.

In the many other jurisdictions of the world, including Somaliland, all elements that prove the guilt of a defendant must be proven in court to be true beyond a reasonable doubt.

(CPC - Article 163)

This means that if there is a real question about the truth of a fact that proves guilt, such as a valid question about a defendant's presence at a crime scene, the defendant should be found not guilty.

The concept of reasonable doubt is connected to the idea that a defendant is seen to be innocent until proven guilty, as is the case in many other countries.

Under this assumption, proof of guilt must be certain beyond a reasonable doubt in the eyes of the judge in order for a guilty verdict to be handed down.

Proving facts beyond a reasonable doubt is particularly important in criminal cases because the verdict can lead to serious consequences for the defendant.

In civil cases, by contrast, the balance of probabilities can be sufficient to settle the case in either party's favor.

The balance of probabilities means that one side of the case has established greater certainty than the other, usually through the presence of a greater quantity of credible evidence or more persuasive evidence.

Even a small amount of additional evidence can make the difference in settling a case when only a preponderance of evidence is necessary.

In a criminal case, a Judge typically must have an abiding conviction, proved by evidence that can be accepted as true because the facts of the case support it beyond reasonable doubt.

This could include eyewitness accounts or other evidence that removes valid questions about guilt.

Judges must carefully consider all evidence presented in a trial to ensure that evidence that might lead to a conviction has been proved beyond reasonable doubt.

Another term related to the idea of reasonable doubt is the burden of proof.

8.2.3 Burden of Proof

In criminal trials the burden of proof lies with the Prosecution, who are under an overriding legal obligation to prove that the suspect / accused is guilty of the offences charged beyond all reasonable doubt (CPC - Article 163).

This leads to the conclusion that the suspect / accused is innocent until proven otherwise (CPC - Article 13).

8.2.4 Circumstantial Evidence

Circumstantial evidence is evidence in a case that can be used to draw inferences about a series of events and can support a theory or suggest proof but does not prove something unequivocally.

It is also known as indirect evidence; the opposite is direct evidence.

A classic example of circumstantial evidence would be testimony from a witness who arrived at a crime scene to find someone holding a gun.

The person holding the gun could have committed the crime in question, but he or she could also be an innocent bystander.

A piece of corroborating evidence to support a case against the person holding the gun might come from another witness who testifies to hearing a gunshot seconds before the first witness arrived on the scene, suggesting that the murder would not have had a chance to get away.

Essentially, circumstantial evidence paints a picture of the circumstances of the case.

Good lawyers are very talented at extracting circumstantial evidence in a way that will support an end point. They can also undermine circumstantial evidence by making the witness seem less credible, using a variety of techniques.

The acceptance of circumstantial evidence in a case can make or break the verdict, especially when there is little direct evidence to link the accused with the crime.

If a witness says that he or she saw someone shoot someone else, this is direct evidence, because it requires no inferences. This witness saw the murder or injury and testifies to that effect.

In a case like this, circumstantial evidence might be used to support the testimony of that witness, to ensure that the prosecution has a tight case.

The Defence may also attempt to use circumstantial evidence to undermine the case of the prosecution by clouding the details of the event in question.

Circumstantial evidence is an important part of any criminal trial, and both sides in a trial will generally try to find circumstantial evidence to support their own positions.

Contrary to popular belief, it is possible to obtain a conviction with the use of circumstantial evidence, if it is backed up by corroborating evidence and other factual information.

Examples

For instance, an expert showing that a stab wound was caused by a knife of the same make and model owned by the suspected criminal is circumstantial, as it only suggests or supports the theory that the suspect stabbed a victim.

A security video showing the suspect stabbing the victim, on the other hand, is direct evidence.

8.2.5 Physical evidence

The evidence that is presented during a trial usually plays a major role in the outcome (CPC Article 172).

There are several types of evidence that can be used, the first is physical evidence and refers to items that can be brought into a courtroom for observation.

Examples of physical evidence can include:

- A bloody shirt.
- The mould of a foot print.
- A bullet casing.

In many instances, Investigators are the first to discover and handle physical evidence.

This is because such items are often obtained from crime scenes, meaning that suspects have not been named, and therefore no lawyers are involved at that point.

The manner in which this type of evidence is collected and maintained is important because such items can be crucial in winning a case. If it is not obtained according to procedure or it is damaged, it may be deemed inadmissible or useless.

Physical evidence often supersedes other types of evidence because it is commonly less problematic.

For example, a witnesses' testimonial evidence refers to things people say regarding some aspect of a court case, and this type of evidence can be riddled with problems such as false statements, faulty memory, or hidden agendas.

Physical evidence is often extremely telling as it can help experts and deciding bodies accurately reconstruct the events and components of a crime and may include items such as:

- Clothing.
- Weapons.
- DNA evidence such as:
  - Blood.
  - Hair.
  - Bodily fluids.

Physical evidence can be either direct or circumstantial, but always involves tangible objects.

8.2.6 Evidential Mix

In criminal prosecutions, usually a blend of direct and circumstantial criminal evidence is presented to a Judge.

Verbal or written testimony makes up a large portion of criminal evidence. Testimony can come from several sources, including from principle players in the crime such as the victim and suspect.

Some testimony may also come from outside experts hired to analyse and present information about the crime, such as forensic experts.

Witnesses generally offer information directly related to the crime, although some

character witnesses may also offer insight into the personality and background of the victim or defendant.

Once both the Prosecution and Defence have made their presentations to a Judge a decision is reached based solely the criminal evidence that has been provided.

8.3 Forensic Evidence

Introduction

Forensic Evidence is the recovery of scientific material that tends to prove or disprove a suspect's involvement in a single or series of criminal offences.

It is acquired by adherence to scientifically and legally accepted collection, analysis and interpretation methodology. It is normally direct and admissible evidence.

It is evidence obtained by scientific methods from the analysis and matching of samples of forensic material recovered from:

- **Victims**

  For example, the victim in a murder may have identifiable material from the suspect on their body, such as blood, hair and clothing fibres after coming into contact with the victim during a struggle prior to death.

  In a rape crime, the victim may have semen, saliva, hair and clothing fibres from the suspect on their body or person.

- **Witnesses**

  For example, where the witness in a crime comes into physical contact with a suspect, there may well be samples of saliva, hair and clothing fibres.

- **Suspects**

  For example, where the suspect has attacked a victim in a robbery and due to a struggle where the victim was injured there may well be blood, skin tissue, hair and fibre samples on the suspect belonging to the victim.

- **Crime scenes**

  Crime Scenes, which is a generic term for many possible recovery sites, always contain the greatest amount of potential for forensic evidence recovery.

  For example, in a human trafficking crime there may well be documentary evidence, fingerprints of the suspects, cell phones and other communication devices.

8.4 Forensic Evidence Types

This can be broadly placed in four categories:

- Impression Evidence.
- Trace Evidence.
- Biological Evidence.
- Digital Evidence.

8.4.1 Impression Evidence

This form of evidence arises as a result of the suspect, victim or witness leaving behind some form of physical 'impression' in such a way that it links them to the crime.

This type of evidence requires analysis and matching to convert it into useable direct evidence.

The types of impression evidence include:

- **Fingerprints** (including the palm)

  This is the most well-known type of impression evidence, and the recovery and use of fingerprint evidence is a well-established science which has been used in crime investigations for many years.

  Everyone has a uniquely identifiable set of finger and palm prints, which establishes this type of evidence as the most prominent method of linking suspects to victims or other elements of a crime.

  For example, in a piracy investigation the suspects' fingerprints could be found on weapons, ammunition, radios, cell phones or any other material found during the investigation.

- **Footwear**

  Most forms of footwear have a unique set of features, especially once worn, which can be used to provide comparison evidence.

  For example, in a rape investigation it may be possible to recover footwear 'impressions' from the scene, which may then be compared with the footwear of a suspect.

- **Glove Prints**

  Some types of gloves have a unique set of features, especially once worn, which can be used to provide comparison evidence.

  For example, in a murder investigation it may be possible to recover glove prints from the crime scene, which may then be compared with the gloves recovered from a suspect.

- **Handwriting**

  Everybody has a unique style of handwriting and it is possible to categorise and compare handwriting styles.

For example in a robbery crime from a bank the suspect may write their demands on a piece of paper and hand it to the victim.

Subsequent analysis and comparison of the handwriting may provide evidence identifying the suspect as the author of the document.

- **Tyre Marks**

  Vehicle tyres have a unique set of features, especially once worn, which can be used to provide comparison evidence.

  For example, in a human trafficking investigation it may be possible to recover tyre marks from the crime scene, which may then be compared with the tyres on a vehicle that the suspect owns or has been using.

- **Firearms Ballistics**

  Firearms, such as handguns, rifles (weapons) and their ammunition have enormous potential to provide forensic evidence in a number of specific ways.

  The obvious examples include identification and comparison of weapons and their use as impression and trace evidence.

However, there is another set of specific forms of scientific analysis and interpretation, which can aid crime investigation.

This is the scientific study of projectiles from the time of firing of the weapon to the time of impact with the target, these are:

- **Interior Ballistics**

  The study of the processes originally accelerating the projectile, for example the passage of a bullet through the barrel of a rifle.

- **Transition ballistics**

  The study of the projectile's behaviour when it leaves the barrel and the pressure behind the projectile is equalized.

- **External ballistics**

  The study of the passage of the projectile through space or the air.

- **Terminal ballistics**

  The study of the interaction of a projectile with its target.

8.4.2 Trace Evidence

This form of evidence relates to the material that is found at a crime scene, or on the victim, which can be analysed and compared to that found on the suspect, in their possession or under their control.

The types of material can be anything that has been recovered in an investigation which is capable of analysis and comparison, such as:

- **Hair**

  For example, in a rape investigation pubic or facial hair could be found on the victim, which can be analysed and identified as belonging to the suspect.

- **Skin**

  For example, in a murder investigation where the victim struggled with the victim, traces of the suspect's skin could be recovered from underneath the fingernails of the victim.

- **Glass**

  For example, in a robbery investigation where the suspect has smashed the windows of a shop or vehicle to attack the victim and steal property, traces of the glass could be recovered from the suspect's clothing.

- **Soil**

  For example, in a terrorist investigation where the suspect has planted an explosive device, it may be possible to recover any soil particles from the suspect to prove that they were present at the scene of the explosion.

8.4.3 Biological Evidence

This is the examination, analysis, identification and comparison of the biological structures of all known living or dead organisms. In lay investigative terms, this means the human body.

The most commonly known and used comparative method in crime investigation is the use of 'DNA Profiling', for example, when a murder suspect is arrested and a profile of their blood is acquired.

During the examination of the victim, blood is found, and when profiled there are two types found, that of the victim's and by comparison, that of the suspect's.

8.4.4 DNA: An Explanation

DNA is a molecule that is found in all living or dead organisms; its full biological name is 'Deoxyribonucleic Acid' and its purpose is to determine the genetic development of organisms and as such it has a unique identifiable code which has great potential in criminal investigations.

DNA evidence is the examination of a whole range of biological (body) components, which includes:

- Blood.
- Semen.
- Hair.
- Body Tissue.
- Bones.

- Organs.
- Saliva.
- Sweat.
- Urine.

In the human body there are 3 billion cells, but only 100 are required to create a unique DNA Profile.

8.4.5 Digital Evidence

This is also known as 'Electronic Evidence' and comprises information stored and transmitted in 'Digital Form'.

This is a very brief explanation of an enormous area of potential evidence recovery that can aid the criminal investigative process and its exploitation and use should be a priory for all Investigators, it includes:

- **Stored Data**

This is digital information found in any digital device, such as:

  - Cell Phones.
  - Cameras.
  - Network Computers (Email, Web, Skype etc.).
  - Desktop Computers.
  - Laptop Computers.
  - Tablet Computers.
  - Gaming Devices.
  - Electronic Storage Devices (Hard Drives, Flash Drives, USB etc.).

This includes the computer programs (applications) found within the devices such as:

  - Word Processing.
  - Spreadsheets.
  - Messaging Systems.

- **Transmitted Data**

This normally comprises the data and information which records the activity of electronic devices or users of electronic systems.

This is a vital area of potential evidence to support and direct criminal investigations, and includes information such as:

- **User Activity**

  Detail of when a suspect logs onto a computer network, such as the Internet, what activity they undertake, such as accessing and using email, websites, chat, Skype, twitter and social networking programs.

- **Data Transfer**

  Details of digital information transferred between systems and between individual devices, such as downloading and uploading files, including documents and/or images etc.

8.4.6 Digital Recovery

This is the physical or electronic act of recovering digital information and this can be achieved in a number of ways:

- **Physical Recovery**

  In simple terms this means the Investigator physically locating an electronic storage device (cell phone, laptop etc.) and recovering the device for subsequent examination.

- **Electronic Recovery**

  In simple terms this is the recovery of digital information by way of electronic means, normally by securing the information over conventional wired or wireless networks, by one of two different methods:

  – **Overt**

  This means an open and unhidden approach where the Investigator acquires the digital information over the Internet.

  – **Covert**

  This method means recovering the digital information in a hidden manner, and could include the use of specialist staff from IT companies, or specially trained Investigators.

8.4.7 Forensic Analysis

This is the actual scientific examination, analysis and interpretation of all the recovered digital information and is also known as ‘Computer Forensics’.

Again, like other forms of forensic science this needs to be undertaken by Experts in this particular field, or in this unique case by Staff trained in the use of specialist forensic recovery and the analysis of software programs.

This can be frustrated by a number of deliberate or circumstantial methods and reasons:

- **Encryption**

  This is where the digital information is stored in a format that is unreadable using conventional programs. This may have occurred because a suspect wants to protect the data.

  There are many freely available programs that can do this requiring the minimum of user skills.

  For example, in trafficking in persons investigations, a suspect could ‘encrypt’ data concerning their travel movements and the personal details of their victims.

- **Password Protected**

  This is where the owner of the information restricts access to the data by locking it down using a 'password' function.

  For example, a suspect involved in a terrorist case may password-protect their documentation which details their criminal associates, and the correspondence between them.

- **Deleted Information**

  This is where the persons controlling the information decide to delete the data.

  For example, a suspect in a rape investigation may delete the contact details and text communication with a victim.

- **Hidden Files**

  This is where a person controlling the data decides to hide the data on a single device or over a wider network.

  For example, a suspect in a fraud investigation may hide stolen bank account details on a secret part of a commercial network.

A skilled and experienced Digital Forensic Expert will be able to identify if such methods have been used by suspects in a particular investigation and should, dependent on methods and applications, be able to recover information and produce that vital evidence.

8.4.8 Summary of Forensic Evidence

In summary, all forms of forensic evidence have the potential to greatly assist the Investigator in the successful investigation of crime. The major areas of contribution will include:

- *Corpus Delicti.*
- To Support or Disprove Statements.
- Identify Substances or Materials.
- Identify Individuals.
- Establish Linkages or Exclusions.

Corpus Delicti

This a Latin phrase which refers to the 'body' or elements of a crime and includes the essential facts showing that a crime has been committed, for example:

- Identification of drugs were found in the possession of a suspect of a trafficking investigation.
- Identification of semen in a rape investigation which can be proved to be that of the suspect.
- Identification of fingerprints on parts of an explosive device in a terrorist investigation which can be proved to be those of a suspect.

Evaluation of Statements

The scientific examination and analysis of physical evidence can provide objective information against which statements made by witnesses, victims or suspects can be evaluated.

The scientific findings can either support or contradict statements made by someone in a case.

Identification of Substances

The scientific examination of physical evidence can provide an identification of substances or materials.

Examples include:

- Detection of an ignitable liquid in a suspected arson case.
- Detection of gunshot residue on the hands of a suspect in a murder investigation where the victim was shot.
- Detection of semen and saliva which can later be analysed to identify a suspect in a rape investigation.

Identification of Individuals

The scientific examination of physical evidence can provide the identification of individual suspects or groups of suspects.

Identification can be obtained through the examination of the following types of physical evidence:

- DNA from biological evidence.
- Fingerprint impressions.
- Dental information in skeletal remains.

Establish Linkages or Exclusions

Physical evidence can be used to establish a common origin or a possible association that may connect a suspect to a victim, a suspect with a scene, or an instrument with a victim or suspect.

Similarly, physical evidence may eliminate an individual (an exclusion or dissociation), thus guiding an investigation in a new direction.

Proving Forensic Evidence

The science of proving impression evidence is complex, and can only be successfully undertaken by an ‘Expert’ who is trained, qualified and experienced in the particular science involved.

The role of the Expert is to identify the unique identity of a certain type of impression evidence and then link that evidence to the crime or series of crimes, to the victim and to the suspect.

This form of evidence is known as ‘Expert Evidence’, which is direct and admissible evidence to a Criminal Court. However, the evidence can be challenged by the Defence.

Legal Note

Expert evidence and their material are legally admissible in Somaliland (CPC Articles 157 and 172).

8.5 Search & Seizure

Introduction

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

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

Search and seizure should only be undertaken 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 conducted 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 leads to public disquiet and does little to encourage the public to assist the Police in their duties.

  It is therefore 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.

8.5.1 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, provenanced information is received which indicates that the suspect believed to have killed the victim is hiding in the home of a family relative.

  In these circumstances a search would be undertaken to enter the premises to identify and arrest the suspect and to seize any relevant evidence of the crime.

- **To recover evidence of a Crime**

  For example, during a rape investigation, provenanced 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.

  In these circumstances a search would be undertaken to enter the premises, locate and search the vehicle, and recover the evidence.

- **To rescue Victims**

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

  In these circumstances a search would be undertaken to enter the premises and rescue the victims, as well as searching for evidence that may link the suspects to the crime.

- **To recover stolen Property**

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

  In these circumstances a search would be undertaken to enter the boat and seize the stolen money, as well as searching for evidence, which may link the suspects to the crime.

8.5.2 Search & Seizure Operations

These types of operations are very similar to other operations where the main intent is the arrest of suspects. In many ways they can be one and the same thing and can happen at the same time.

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 some time shortly after, or in unplanned circumstances later in the investigation.

  In these circumstances the Police need to quickly respond to events, and carry out urgent searches of the suspects, their vehicles, premises or any other place where other suspects or evidence may be recovered.

  For example, during a terrorist investigation the Police find and arrest several suspects near to a scene of an explosion. Urgent information indicates that there are weapons and more explosive devices hidden in a nearby house, so the Police need to respond urgently and carry out a search and seizure operation as quickly as possible.

- **Pre-planned Operations**

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

For example, during a human trafficking investigation information indicates that the suspects have been using a transport company to move the victims from place to place, and there is further information that indicates that the transport company may be involved.

In order to secure the transport records needed as evidence, a search warrant is obtained from the Court and a pre-planned operation is carried out.

8.5.3 Urgent Operations - Considerations

In order to carry out successful search and seizure operations it is imperative that some form of planning and preparation is in place.

In an ideal world Police Investigative teams should have in place, as part of the investigative process, contingency plans to deal with urgent arrest and follow-up searching in Urgent Operations.

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, and notes taken.
- **Police Officers present**

  Name, rank and what role the Police Officer played in the search.
- **Evidence recovered**

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

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

8.5.4 Pre-planned Operations - Considerations

In these types of operations there should be a detailed operational plan that deals with the following considerations:

- **Detailed Plan**

  This should include detail of the information which 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 transport of Police Officers 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.

- **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 the location 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.

8.5.5 Use of Standard Forms

A number of 'standard' forms have been designed and introduced in Somali language format to Somaliland Police (for dealing with Counter Terrorist Investigations).

In this section the following forms are recommended for use:

CTU 1 - Exhibits and Premises Search Register.

CTU 2 - Scene Management Log.

CTU 11 - Intelligence Report.
The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.

Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

8.6 Powers of Search & Seizure

Search Warrants

In order to carry out search and seizure the Police need to ensure that they act with the full authority of the law. There are two types of legal authority which provide the powers to search and seize, these are:

- **Without Warrant**

  Police powers to search and seize in response to urgent events.

- **With Warrant**

  In less urgent situations the Police need to obtain 'Search Warrants' from a Court.

In many ways the two types of warrant reflect the type of operations undertaken by the Police, i.e. Without Warrant is normally reserved for 'Urgent Operations' and With Warrant is used in 'Pre-planned Operations'.

8.6.1 Summary of Search & Seizure Powers

Listed below in Part 1 are the articles in the Somaliland Criminal Procedure Code that provide specific search and seizure powers.

Parts 2 covers a summary of search considerations and Part 3 provides a summary of seizure considerations.

8.6.2 Part 1 - Search & Seizure Articles (Criminal Procedure Code)

Article 52. (Authority to Search & Seize)

Search and seizure, whether with or without a warrant, will only be undertaken in the case and in the manner prescribed by law.

Article 53. (Issue of Warrant of Search or Warrant of Seizure)

A search warrant, or warrant of seizure, may only be issued by a competent Judge, up to the time of commencement of proceedings by a Court of first instance, the President of the competent Court, at any other stage of the proceedings.

Article 54. (Form of Warrant)

Every warrant of search or seizure will be issued in duplicate and will contain the name of the issuing authority, the date on which the warrant is issued, reasons for the issue of the warrant, personal details of the person to be searched or wanted or, if these are not known, any nicknames or other indications by which the person can be identified, details and whereabouts of the place or object to be searched, a description of the object to be seized and of any person with control over possession of such object, the signature of the authority issuing the warrant and the seal of the Court.

Article 55 (Cases in which Warrant to Search or Seize maybe Issued)

A search warrant may be issued when there are grounds to believe that; an object pertinent to an offence may be found on some specified person, or on or in some specified place or object, on search of some specified place, a person to be arrested may be found therein, on search of some specified place, a person unlawfully detained may be found therein, when it is necessary to search any specified person, place or thing for the purpose of finding any material evidence which may have a bearing on the offence.

A warrant of seizure may be issued when there are grounds to believe that a certain object, pertinent to an offence may be found and seized.

Any object, which is pertinent to an offence and is found during a search, may be seized on the strength of a search warrant when the person who has control over or possession of the object to be seized refuses to deliver it.

The warrant of seizure will be deemed to include the power to search, to the extent necessary to fulfill the execution of the warrant of seizure.

Article 56. (Execution of Warrants - Restricted hours for private dwellings)

A warrant of search or a warrant of seizure may not be executed in a private dwelling house between the hours of 6 pm and 7 am, unless there is some urgent need for its execution, or the issuing authority has authorized its execution at any hour.

One of the duplicates of the warrant will be given to the person to be searched or to the person in charge of the place or object to be searched or seized.

Article 57. (Obligation to Cooperate With Police)

Any person subject to search, or any person in charge of a place subject to search or of an object subject to search or seizure, will afford all reasonable facilities for the execution of the search or seizure.

8.6.3 General Issues

Use of Force

The person making the search or seizure may use reasonable force to carry out the search or seizure if resistance or refusal to allow the search and seizure is offered.

Search of Persons Present

The Person making the search or seizure may search any person present in the place being searched, if there are grounds to believe that such person is concealing an object pertinent to the offence.

Ensuring Decency and Privacy

In carrying out the search of a person, decency will be fully observed, and the search of a woman will only be undertaken by a woman.

If a woman is in charge of the place to be searched, or of the object to be searched or seized, and such woman does not, according to custom, appear in public, such woman will be given every reasonable opportunity to retire to a suitable place or to cover herself adequately.

Counsel Documents Protected

No papers or documents that are in the custody of Counsel or technical consultants in connection with the performance of their duties will be seized unless such papers and documents are the subject, instrument or fruit of the offence.

Article 58. (Grounds for a Search or Seizure Without Warrant)

A police officer in charge of investigations (i.e. in accordance with Article 24), may undertake a search and seizure without warrant in case of urgent necessity when there are grounds to believe that, during the time required to obtain the warrant, material evidence may be destroyed or altered, the wanted person may abscond (i.e. escape).

Notification of Judge and Office of Attorney General

A police officer who has undertaken a search or seizure without warrant will forthwith so inform the competent Judge or a Judge of the Court nearest to where the search or seizure took place, and also the Office of the Attorney General, stating the reasons necessitating and the result of the search and seizure.

If such a search and seizure, without warrant, is not confirmed by a Judge within 8 days, such search and seizure will be deemed to have been unauthorized and will be null and void.

8.6.4 Part 2 - Search Considerations

Authority to Search

Search will be undertaken only when clearly authorized by law or with express consent.

Search in General

With respect to carrying out a search, ensure confidentiality, confidential sources, or sensitive operational techniques will not be revealed or compromised through the process of obtaining a search warrant or carrying out a search.

Legal Requirements

Searches will be conducted only when clearly authorized by law. When a search is undertaken without a warrant, the requirements of specific legislation or common law will be met before the search is executed, based upon substantiated information. Searches will not be conducted based solely on an anonymous telephone tip or unsubstantiated information provided by a source of unknown reliability.

Authorized Search Participants Only

Participants in a search will be limited to other police officers necessary to conduct the search and such persons as specifically named in the warrant.

Conduct Above Reproach

The conduct of the police personnel carrying out a search will be of the highest order in terms of conduct, demeanor and respect for the individual and the individual's property.

Discontinuation of The Search

A search will be discontinued when the grounds or belief no longer exist, or the items described in the warrant are seized.

May Search Arrested Person

Common law provides that a police officer may search an arrested person, or anything within their control and which is incidental to the offence, without the need for a warrant.

Arrest Must Be Lawful

Where an arrest is unlawful, any search conducted pursuant to that arrest will be, itself, unlawful.

Items Seized From an Arrested Person

Subsequent to a search incident related to a lawful arrest, the officer may seize anything with which the arrested person may injure themselves or others, anything that may aid their escape, or any evidence to support a contemplated charge.

Any personal property, including money, seized from an arrested person will be brought to the attention of an officer processing the arrested person, who will make a note of it on the arrest record and ensure the security of the property.

May Search With Consent

A police officer may, with a person's consent, search that person or anything under their control, including their vehicle or dwelling.

Consent Must Be Valid

To be valid, the consent to search must be a valid consent, and the person consenting to the search must be informed of their right to refuse consent and/or withdraw consent at any time.

The person consenting to the search must be informed of the consequences of giving such consent, what will be the subject of the search, what is being searched for, and the consequences if the search is successful.

Consent May Be Invalid

Consent may be rendered invalid where it has been obtained by fraud, a show of authority, intimidating conduct, force or threat of force.

Obtain Consent in Writing

A consent obtained in writing and signed by the consenting person, while not required by law, may provide clear evidence of an informed and voluntary consent.

Where consent is given by a person, but not in writing, the police officer should record all of the details of obtaining the consent and the subsequent actions.

Consent Does Not Confer Special Authority

Consent does not confer any special authority beyond that which flows from it. A consent cannot authorize the search for, or taking possession of, property over which the person consenting has no authority and a consent does not authorize trespassing in respect of such property.

Circumstances Prevent obtaining a Search Warrant

Search without a warrant or consent should only be undertaken when circumstances exist that makes obtaining a search warrant impractical or impossible and would impede effective law enforcement.

Reasons for Warrantless Search Must Be Present

The officer undertaking this type of warrantless search must ensure that: prior to the search there were reasonable grounds to believe that an offence had been committed; there was evidence to be found at the place of the search; that it was not possible to obtain prior authorization, and that authority to search exists pursuant to statutory authority.

Reasons for Warrantless Search Should Be Recorded

The reasons for conducting a search without a warrant or consent should be recorded in the event that the search is challenged as unreasonable.

Search of a Dwelling House for an Injured Person

A police officer may force entry into private premises to prevent death or serious injury if there is a belief, based on reasonable grounds, that an emergency exists and where the circumstances involve the preservation of the life of someone within the residence or the prevention of serious injury to a person in the residence and proper announcement has been made prior to entry.

Dwelling kept under Surveillance

The dwelling or premises where a search warrant is to be executed should be kept under surveillance while the warrant is being obtained.

Police Officer in Charge

A police officer will be designated as being in charge of the search and, in the event that police officers are working with police officers from an outside agency, and are searching under the authority of that agency's warrant, the person holding the warrant will be designated the police officer in charge.

Preparations for Search

Prior to a search the police officer in charge will prepare an operational plan.

Hold a briefing session to ensure that all members of the search team are familiar with the operational plan and their role in the search, identify any areas of potential danger or any areas requiring specific attention, ensure that all officers can be identified as police officers; have the necessary equipment (i.e. exhibit containers, cameras) required for the search, and designate one officer as the exhibit person.

Declare Entry

Before entering the place to be searched (i.e. except in cases of unannounced entry), the police officers should first make a demand for entry, identify themselves as police officers and state the purpose for which entry is demanded.

Undeclared Entry

A declared entry will not be required if entry is necessary to save someone within the premises, entry is necessary to prevent the destruction of evidence, or in a fresh pursuit.

Approval

A supervisor must approve the search and the Operations Officer must be advised, before the search, if the search is to be an unannounced entry and there is evidence that the occupants of the premises to be searched may be violent.

Use of Force

A police officer may, when acting under a search warrant or other lawful authority, use such force as is reasonably necessary.

During the Search

During the search, the responsibilities of the police officer in charge will include: producing identification to the occupants as soon as is practical; producing a copy of the search warrant for the occupants; detaining all occupants of the premises; ensuring that they are all kept in one area until order is established, and ensuring that all persons detained or arrested are advised of their rights.

A police officer should not depend on another officer to search a prisoner but should personally search each person transported.

Except in exceptional circumstances, female officers will search female prisoners and male officers will search male prisoners.

Body Search

In a body search, the officer may search the prisoner's clothing to remove objects that might be used as a weapon or which might have evidentiary value. The body search should be completed on the arrested person as soon after the arrest as possible, in order to remove any potential weapons and in order to secure any items that may have evidentiary value.

Strip Search

A strip search is a thorough search and examination of a person's clothing and body.

Strip searches will only be conducted in private by a person of the same sex.

Generally the strip search requires the removal of the prisoner's clothing.

A strip search must be viewed in light of a person's dignity and in the light how the Court would view this action, after the fact.

Internal Search

Anal or vaginal searches are an intrusion of an individual's privacy and dignity and should only be used in cases of considerable significance by a qualified medical practitioner.

Search of News Media

A search for news media material must strike a balance between the interests of the state in an investigation and the right to privacy of the media, as an innocent third party, in gathering and disseminating the news.

8.6.5 Part 3 - Seizure Considerations

Authority to Seize

Seizure will be undertaken only when clearly authorized by law or with express consent.

Doctrine of Plain View (Common Law)

A police officer may seize any item in plain view that may provide evidence of the commission of an offence if there is a pre-existing lawful reason for intrusion upon the person or premises, the discovery of the item is inadvertent, and the item is apparently incriminating evidence.

Care and disposition of Seized Items

All seized items will be kept secure and safeguarded, maintained in a manner that meets evidentiary requirements, reported and recorded as required by legal requirements, disposed of as ordered by the Court, directed by legislation or in accordance with established retention periods.

Property seized from Arrested Persons

Any personal property, including money seized from an arrested person, will be brought to the attention of an officer processing the arrested person who will make a note of it on the arrest record and ensure the security of the property.

Return of Seized Items before Trial

With the approval of the prosecutor, a police officer may introduce sample or photographic evidence and return the property to the owner where the evidence is in relation to theft, robbery, break and enter, possession of stolen property, false pretenses or fraud, the seized items cause storage problems, the seized items are required by the rightful owner to maintain a livelihood, or the seized items are deemed essential to maintain the victim's lifestyle.

When seized property is returned, the police officer will photograph the owner in possession of the property, displaying identifying features including the date, exhibit numbers, file number and the officer's name visible in the photograph.

A receipt for the property will be obtained from the owner when the property is returned.

8.7 Crime Scene Management

Introduction

The management of a crime scene will impact on the quality, quantity and integrity of the material gathered.

The identification of a crime scene is, therefore, a priority for the Investigator as it may contain vital material that will influence the outcome of the investigation.

Once Investigators have identified a scene, they should apply the investigative mindset to make an initial assessment of its potential to provide material.

This assessment and the subsequent formulation of a scene strategy should have due regard to forensic strategy considerations.

Undue delay or failure to consider forensic issues at this stage may lead to valuable material being contaminated, overlooked or lost.

8.7.1 Crime Scene Actions

Identifying Crime Scene

The crime scene can present itself in a number of ways and may not be immediately obvious to the investigator or initial attending officers.

This 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 victim, clothing, weapons, or stolen property).

Often the scene of the offence will be relatively easy to identify and should, therefore, be considered a 'fast track action'.

The victim or witnesses to the offence will usually be able to tell Investigators precisely where and how the offence was committed.

This will enable Investigators to preserve the scene at the earliest opportunity and to recover the best possible material in a manner that preserves its integrity.

Securing Crime Scene

The purpose of securing a scene is to maintain the integrity and provenance of any material that may be recovered from it.

The purpose is also to ensure that the scene can be photographed and 'sketched' so as to enable the Investigator to build a clear picture of what has happened.

This simple and important action will reduce the opportunities for the material to become contaminated or inadvertently cross-contaminated.

There are a number of methods that the Investigator can use to secure and manage crime scenes, these include:

- Using tape to prevent access to or from the scene.
- Deploying officers to guard the scene.
- Care should be taken to ensure that officers only attend individual scenes in order to prevent cross-contamination.
- Using vehicles as barriers to prevent entry.
- Road blocks to protect wider scenes.
- Temporary fencing.
- Road diversions.

Important Note

Ensure that persons entering the scene are wearing suitable protective clothing to prevent contamination of the scene and to ensure they are protected from any dangerous items or substances

Logging those who enter and leave the scene

This is vital so as to ensure there is control of the crime scene and that a record exists that can be recalled at any later stage in the investigation.

The record system used must include the following details:

- Details of crime scene.
- Details of Police Officer starting record.
- Details of all Police Officers controlling the record.
- Date and time crime scene first identified.
- Name of lead Investigator.
- Chronological time list of persons arriving / leaving the scene.

Protecting the Crime Scene

This may include covering or lighting of the scene and identifying and protecting access routes to or from the scene.

Risks to the scene, which have to be managed, include:

- Contamination of the scene by items being taken into or from the scene, or cross-contamination by transference between scenes.
- Damage being caused to the scene or material by exposure to the elements.
- Microbiological activity causing decay to material.

- Animal disturbance.
- The effect of time delay on certain material types.

8.7.2 Crime Scene Examination

The recovery of material should only be undertaken by an individual who is trained and equipped to perform this role.

The techniques of crime scene management are based on 'Locard's Principle of Exchange', which states that:

> *Anyone who enters the scene both takes something of the scene with them and leaves something of themselves behind*

This means that every contact has the potential to leave a trace however miniscule.

Such traces are usually:

- Fingerprints.
- DNA.
- Fibres.
- Weapons.
- Footwear marks.

These traces provide valuable material that can link a suspect to the crime, but it must be remembered that techniques for recovering this material are highly specialised.

Scenes should be examined using a structured approach determined by the parameters and requirements of the investigation. It will also entirely depend on the skills of the staff, the equipment and analytical tools available.

The minimum evidence or information that should be secured from any crime scene should include:

- **Photographs**

This should include photographs of victims, showing the extent and details of injury, routes to and from the scene, the scene itself, and evidence that is subsequently removed as potential exhibits.

- **Sketch Plans**

This should include a map and diagram of the scene and notable points, such as the location of the victims, location of weapons, and evidence that is subsequently removed as potential exhibits.

- **Notes**

This should include a written summary of who and when the photographs the sketch plans were taken and made.

Each of these recording methods provides an accurate record of the scene, which can be used for all aspects of:

- Interviewing planning.
- Verifying witness statements and explanations.
- Challenging suspect admissions.
- Allowing for reconstruction of events.
- Assisting the Courts during any trial.

The Investigator must be conversant with all material that has been recovered from the scene and should be aware of the information a forensic examination can provide.

This includes confirming or eliminating the presence of the following at a crime scene or other location:

- Victims.
- Suspects.
- Weapons.
- Substances.

This is achieved by identifying a range of items:

- Physical (fingerprints or fibres).
- Biological (DNA from blood, semen, hairs & saliva).
- Chemical (drugs).
- Other substances (firearms discharge residue, glass, petroleum) in or on a crime scene or individuals.

8.7.3 Use of Standard Forms

A number of 'standard' forms have been designed and introduced in Somali language format to Somaliland Police (for dealing with Counter Terrorist Investigations).

The documents have been prepared by a UK Government-funded Project Team in collaboration with the Somaliland Police.

In this section the following forms are recommended for use:

CTU 1 - Exhibits and Premises Search Register.

CTU 2 - Scene Management Log.

CTU 5 - Witness Statement.

Witness statements should be completed by Officers involved in the various crime scene roles, as decided by the Investigator.

This is very important in terms of the recovery of evidence, where each Officer that recovers evidence should make a statement to that effect producing the evidence as 'exhibits' in the Prosecution Report.

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.

Each of the forms is copied into the Appendices Section of the Somali language version of this Manual.

Chapter 9
Interviewing Victims and Witnesses of Crime

9.1 Introduction

The obtaining of the initial complaint of a crime from a victim, and the taking of evidence from key witnesses, is one of the most critical phases in a criminal investigation.

Interviewing a victim / witness is one of the most challenging tasks of an Investigator and skilled interviewing is an indispensable investigative tool.

It essential that the interview and evidence collection process is conducted in a very well-structured manner, to ensure that 'best evidence' is collected at the earliest opportunity; remember that evidence collected at this stage will be responsible for directing the nature of any future lines of enquiry.

A cornerstone of successful interviewing is the awareness that a typical victim / witness description comprises error-prone perceptions during the event and unintentional selective recall thereafter, and therefore the professional interview is usually the best single method of identifying and recovering true and accurate accounts of events.

Witness statements and physical evidence go hand-in-hand and each may complement or clarify the other, and Investigators may not realize the importance of seemingly innocuous testimony for days or even weeks after it is taken.

Many factors influence, distort and limit information flow.

When the Investigator understands and practices effective interviewing techniques the results of each interview can dramatically increase, in both the quantity and the quality of information obtained.

9.2 Purpose of the interview

Interviews can have a number of differing purposes dependent on the nature and extent of the criminal investigation, and the purposes can include:

- Finding out what the victim and / or witness has experienced in order to establish whether a crime has been committed.
- Securing evidence to establish a preliminary direction for the criminal investigation.
- Identifying potential sources of further evidence in support of the investigation, i.e. other witnesses and potential crime scenes.
- Building an evidence file for subsequent Prosecution.
- Complementing other phases of a criminal investigation.

The victim and witness evidence gathered at this point must be to the evidential standard required for a criminal trial.

The evidence must be recorded in written form and must contain the following:

- Full name.

- Date and place of birth.
- Occupation.
- Address or point of contact (this can be written on the reverse to protect the witness).
- Declaration that the person is telling the truth.

The victim and witness needs to be aware that their written evidence will form the basis of any criminal prosecution, should there be a criminal trial.

Additionally, they must be told that may have to give that evidence again in person.

9.3 Preparatory Issues

Separate the victim / witnesses

Independent victim / witness statements can corroborate other evidence in the investigation. It is therefore important to consider keeping witnesses to the same incident separated while waiting to interview them.

They should not hear other accounts because they may be influenced by that information and may mentally fill in parts of their observations based on what someone else may have seen or heard.

It may also be helpful to ascertain whether they have spoken with each other about the incident prior to being separated.

Interviewee's fitness for interview

Being the victim or witness of a crime is a very traumatic event and great care needs to be taken when considering whether they are in a fit state to be interviewed.

The first priority must be the physical and mental wellbeing of the victim or witness, and it may be necessary to ensure they are given medical treatment prior to any interview.

Interviewing unwell or unstable victims or witnesses can lead to many evidential problems, such as:

- Acquiring an emotional and unreliable account of events.
- Misleading or inaccurate information.

Evidence or information acquired in such circumstances will have a serious and damaging effect on the direction of any criminal investigation.

However, this must be assessed and weighed against the significant benefits of acquiring 'early evidence', which can help direct the important direction of any criminal investigation.

Also, 'early evidence' has significantly better value in terms of accuracy and reliability as it is not tainted and distorted by time.

Victims of Serious Sexual Crime

The obtaining of evidence from victims of serious sexual crime is a very specialised and critically important process and should only be undertaken by persons suitably trained.

These interviews should only take place in interview rooms that have been specially designed and prepared.

In Somaliland, victims should be interviewed where possible by trained staff from the Sexual Assault Referral Centre (SARC), or at the very least with their support and direction.

A specialist interview 'checklist' is included at the end of this part of the Manual to aid the interview of victims of this type of crime.

Vulnerable Persons

Many victims and witnesses of crime can be regarded as 'vulnerable'. That is, due to their age, their physical or mental state of impairment or other mental illnesses, they need to be treated with additional care and treatment.

In some cases a person's state of mental impairment may be such that they are incapable of giving evidence.

Depending on the nature of their vulnerability, it is imperative that they are interviewed by persons specially trained and in locations best suited to their needs.

Interviews with children should be conducted in the presence of a parent or guardian unless they are implicated in any criminal allegation. In such circumstances an 'appropriate adult' should be present.

Interviews with other vulnerable persons should be conducted in the presence of an 'appropriate adult'.

Appropriate Adult

A person over the age of 18 years, of sound mind and good character, not connected with any aspect of the criminal investigation, who is able to offer support to the victim or witness.

Vulnerable groups include:

- Children (Under 18 in Somaliland Law).
- The elderly and infirm.
- Those suffering from mental illness.

When to interview

You must act quickly to maximize the likelihood of obtaining reliable information. Interviews should be conducted early in your investigation, as close to the event as possible.

As time passes, chronological and inferential confusion increases.

The human mind has a tendency to fill gaps in recollection through logic or filling-in based on their own experiences, so the longer witnesses have to reconsider events, the more they tend to do this.

Keep in mind the possibility that their description of what they saw might change once they have time to reflect, and their second impressions probably will not be as useful as their first.

Preparing for the interview

In order to maximise the opportunity to obtain the best and most complete account of events from victims/witnesses, it is imperative to plan and prepare in advance of the interview.

A prepared Investigator has a plan to keep the interview on course and explore every possibility. Therefore, make a list of topics you want to cover.

Write your specific questions down before the interview, but be prepared to take a different path of questioning, if necessary.

Generally, some information about the case is available beforehand, either from the victim/witness directly or from a referring party (newspaper article, police agency).

Where to Interview

Select an environment that minimizes distractions while maintaining the comfort level of the witness, as a comfortable witness provides more information.

It might be helpful to designate someone to keep people from knocking on the door, to answer the phone, and ensure that physical distractions are minimized, as unnecessary distractions will interrupt the memory retrieval.

In addition, the Interviewer can encourage the witness to block out these distractions by closing their eyes and concentrating on the memory.

Security of Victim / Witness

It is essential to consider the security and wellbeing of victims and witnesses, especially in serious crime investigations. The following should be considered:

- Ensure victims / evidence is kept in complete confidence.
- Statements of evidence should be kept in locked storage in a secure location.
- Do not reveal their address or contact details.
- Only interview in secure locations.

In dangerous investigations do not ask victims / witnesses to come to Police Stations.

9.4 The Interview

Stage 1 - Building Rapport

- The Investigator should explain who they are and the purpose of the investigation.

- Give the victim / witness a chance to relax; a few minutes of small talk will help calm them and build rapport.
- Lean forward to emphasize interest in what they have to say.
- Maintain eye contact.
- Ask them some routine questions for basic information.
- Get the correct spelling of their name and then refer to the victim / witness by name and listen effectively.
- Show understanding and concern.
- Establish a bond of trust.
- The interviewer should treat the witness as an individual and not as a statistic.

Effective listening and Investigator Bias

The value of any interview depends on many things. The Investigator has control over some factors that appear to have an effect on interview success: the time and place of the interview, the number of interruptions, the scope and wording of questions, and effective listening skills.

The most important thing about listening that any Investigator needs to know is that there is a vast difference between hearing and listening.

There is a danger that leaping ahead, trying to anticipate what will come next, and not paying attention to the testimonial evidence may fill this gap.

One of the biggest consequences of poor listening habits is a shallowness of understanding.

9.5 Stage 2 - The Narrative Overview

- The Investigator needs the witness to report the event in more detail than would be conveyed in normal conversation.
- The investigator should explain this need for detail to the witness to ensure the witness is fully aware of how to provide the description.
- The second stage of the interview is to obtain a recollection of the events in narrative form, without interrupting to ask for details.
- Remember that this narrative overview provided by the victim / witness, while not likely to be very complete, will be highly accurate.
- During this stage the Investigator's job is to listen, not to talk.
- Allow an articulate witness to talk without interruption as this helps the witness relax, bolsters self-esteem, and facilitates communication.
- Interrupting the mental images of the witness risks the dilution, contamination or loss of the original mental image or memory forever.
- Not all witnesses will be able to recount their experiences without help. In such circumstances, the Investigator will have to assist by encouraging them and prompting them to recall in stages.

9.6 Stage 3 - Detailed chronology

- After the witness has completed the narrative overview, the Investigator will want to probe more deeply for details.
- In order to minimize chronological confusion, the Investigator should go back over the events in chronological order.
- To do this, the Investigator must first identify the point at which the chronology should begin.
- In some interviews, the starting point will be obvious, but the Investigator must still verify that this is the first relevant event.
- In other situations, determining the chronological starting point may be more difficult.
- Once the Investigator has obtained an overview of the problem from the witness, and has ascertained the starting point, it is time to probe for details.
- In most cases, a straight step-by-step chronological order will maximize the completeness of the information.
- Taking notes is usually recommended during this phase, since important details, such as the names and addresses of other witnesses, are difficult to remember accurately.
- During this stage, the Investigator must take control of the tempo and the scope of detail of the interview, preventing the victim / witness from jumping ahead.
- Ask questions clearly. Experienced Interviewers never read their questions, the questions should blend into the conversations.
- Avoid asking questions that require just a ‘yes’ or ‘no’ answer.
- Avoid interrupting the witness.
- Ask only one question at a time.
- Let the witness complete each answer before you go to another question.
- If you interrupt an answer, you may communicate that you think the matter unimportant.
- Interrupting the witness during an answer discourages the witness from playing an active role and disrupts their memory.
- Rather than interrupt, the Investigator should discreetly make a note and follow up at a later time with any questions that arise.

Open-ended questions

It is very important when putting questions to the victim to try and stay with open-ended questions, as this form of questioning normally results in more detailed and complete answers.

Make no suggestions and invite the victim / witness to talk in their own words, only interrupting to prompt their memory.

Close-ended questions

A closed-ended question, in contrast, limits the amount or scope of information that the witness can provide.

This normally prompts the victim/witness to only provide one word or limited replies.

9.7 Stage 4 - Concluding the interview

The final stage is to end the interview in a structured manner. The Investigator should:

- Summarize the main facts for the witness to verify.
- Always thank the victim/witness for their assistance and cooperation. This reinforces the rapport that has been developed.
- Set an agenda for future meetings and obligations.
- Encourage the victim/ witness to make contact if they remember any more detail. Victims /witnesses will often remember additional, useful information after the interview.
- Remind them that any information, no matter how trivial it may seem, is important.
- Make sure that they have your phone number or other pertinent contact information. Maintaining open communication channels with the victim / witness throughout the investigation can lead to additional information and evidence.

9.8 Victim Interview 'Checklist' (Sexual Offences)

This 'Checklist' is recommended for use in the investigation of serious sexual offence crime, such as rape.

Interviewers should elicit the following information, depending on the individual circumstances of each case:

- Full details of the current incident, including evidence to support the alleged offence.
- Details of witnesses present during the incident.
- Nature and seriousness of the victim's injuries (physical and emotional).
- Details of family members.
- History of the relationship and any other incidents.
- Reference to previous incidents including those with previous partners.
- Whether a weapon was used (how and what type) and whether any attempt at choking, suffocation or strangulation was made.
- Details of any threats made before or since the incident.
- Whether any children were present and, if so, the effect that the incident has had on them.
- Whether the suspect planned the incident.
- Whether the parties are separated.
- Whether any sexual offences have been disclosed.
- Points to prove.

- Victim's view of the likelihood of further abuse and victim's views about their own safety and that of any children.
- Victim's view of the future of the relationship.

9.9 Use of Standard Forms

A number of 'standard' forms have been designed and introduced in Somali language format to the Somaliland Police (for dealing with Counter-Terrorist Investigations).

In this section the following forms are recommended for use:

CTU 3 - Interview Plan.

CTU 5 - Witness Statement.

CTU 11 - Intelligence Report.
The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.
For more detail on Intelligence Reports see Part of this Manual.

Each of the forms is copied into the Appendices Section of the Somali language version of this Manual.

Chapter 10
Suspect Interviewing

10.1 Introduction

In any criminal investigation, based on the principles of either common or statute law, there is an overriding principle of the 'presumption of innocence' of any person accused of a crime.

It is the duty of the State and / or Prosecuting Authorities to present evidence before a Criminal Court that proves a person's guilt 'beyond all reasonable doubt' before a conviction can be obtained and punishment endorsed.

10.2 The Suspect - Definition

Any person or group of persons who appear, on the test of 'reasonable suspicion', to be involved in the following elements of a criminal offence:

- Planning.
- Arranging.
- Facilitating.
- Committing.
- Assisting.
- Concealing.

Although the list is very inclusive, it does not preclude the involvement of others that may be part of a much wider conspiracy.

10.3 Purpose of a Suspect Interview

During a criminal investigation, any allegations or complaints made should be put before a suspect to provide them with the opportunity to:

- Admit committing the offence (confession).
- Dispute any aspect of the allegation.
- Provide their own account of events.
- Deny taking any part in the alleged offence.

10.4 Principles of Investigative Interviewing

The principles of investigative interviewing are:

- The aim of investigative interviewing is to obtain an accurate and reliable account from a suspect about matters under police investigation.
- Investigators must act fairly when questioning suspects.
- Vulnerable suspects must be treated with particular consideration at all times.
- Investigative interviewing should be approached with an investigative mindset.

- Accounts obtained from the person who is being interviewed should always be tested against what the interviewer already knows.
- When conducting an interview Investigators are free to ask a wide range of questions in order to obtain material which may assist an investigation.
- Investigators should recognise the positive impact of an early admission in the context of the criminal justice system.
- Investigators are not bound to accept the first answer given.
- Questioning is not unfair merely because it is persistent.
- Even when the right of silence is exercised by a suspect, Investigators have a responsibility and a duty to put questions to them.

10.5 Planning the interview

The Investigators responsible for conducting the suspect interview must have a comprehensive knowledge of:

- The details of the criminal allegations under investigation.
- Detailed knowledge of all the evidence available.
- Knowledge of the background and character of the suspect.
- Good understanding of the Criminal Procedure and Laws relating to evidence and admissibility.

10.6 Structure of the Interview - PEACE Model

The actual structure of the interview depends on many factors, such as the skills of the Investigators in planning the interview, the number of suspects and the general availability of resources to carry out the criminal investigation.

Listed below is an interview model called **'PEACE'** (Acronym), which has been developed in the UK over a number of years, and which may assist the Investigator.

P – Preparation and planning

The Investigators should remind themselves of the main elements of the offence(s) they believe to have been committed.

Crucial elements of good preparation and planning for an interview situation include:

- Understanding the purpose of the interview.
- Defining the aims and objectives of the interview.
- Understanding and recognising the points to prove.
- Assessing what evidence is available and from where it can be obtained.
- Assessing what evidence is needed and how it can be obtained.
- Preparing the mechanics of the interview (stationery, exhibits, location etc.).

E – Engage and explain

The essential element of engagement is an introduction appropriate to the circumstances of the interview. It is desirable that a proper relationship is formed between the interviewer and the suspect.

This requires, for example, that the officer develops an awareness of, and is able to respond to, the welfare needs of the suspect and any particular fears and expectations.

The engage phase is followed by the explanation phase in which the officer should:

- Outline the reasons for the interview.
- Explain how the interview will, note taking and any planned break.

This phase also includes administering the caution and making sure the suspect understands it.

A – Account

This term describes the stage in which the suspect's recollection of the events is obtained.

This stage is directed at obtaining the fullest possible account from the suspect.

The Investigator should encourage the suspect to tell the 'story' of what has happened in his own words, starting at the beginning and going through his recollection in some form of logical time order.

The Investigator should not interrupt the suspect's explanation, other than to prompt a suspect if they lose their way in the explanation, and need help to continue their recollection.

The Investigator should then probe the suspect's recollection of events and challenge any areas where there is a conflict with victim or witness testimony, or other evidence.

C – Closure

To avoid immediate or future problems in terms of the relationship formed between the Investigator and the suspect, the Investigator should ensure that at the interview:

- The suspect understands what has happened during the interview.
- The suspect understands what will happen in the future.
- The Investigator gives a brief summary of what has been said by the suspect.
- The Investigator gives the suspect the opportunity to ask any questions or offer a reply to the summary.

E – Evaluate

After each interview is completed, the event and the material that came from it should be fully evaluated.

The first consideration is whether the objectives of the interview were achieved.

Decisions must then be made about whether any further interview is required or whether other enquiries need to be made (as corroboration, confirmation, or as preparation for further investigation).

An important element of the evaluation is to put the interview in the context of the whole investigation and to review the information obtained along with that already available.

Consideration should be given to the following:

- The points to prove of any offence.
- Evidence of a defence to the offence.
- What other areas need to be addressed during the investigation.
- Evaluation can also help officers to improve their interviewing skills.
- To this end, officers should take the opportunity to reflect on their personal performance and identify areas for future development or improvement.

10.7 Conduct of the Interview

The interview of suspects should be carried out as follows:

- By a minimum of two Investigators, skilled or trained in the process of conducting such interviews.
- In a suitable location, such as an office or room set aside for such purposes.
- The suspect should be afforded legal advice before the interview.
- The suspect should have the opportunity to be legally represented during the interview, unless they voluntarily choose not to be.
- The interview should be recorded at the time in writing and signed at the conclusion of the interview by the suspect as an accurate summary of the interview.
- Where possible consideration should be given to using voice recording devices, such as a tape recorder or other devices (mobile phone).
- The suspect must not be under the influence of alcohol, drugs or other narcotic substances.
- If the interview is anticipated to take a long period, reasonable breaks should be given.
- The use of threats, coercion, violence and false promises are forbidden.
- At the conclusion of each interview the record of the interview should be signed by all parties and kept securely as part of the Police evidence file.

10.8 Use of Standard Forms

A number of 'standard' forms have been designed and introduced in Somali language format to the Somaliland Police (for dealing with Counter Terrorist Investigations).

The documents have been prepared by a UK Government funded Project Team in collaboration with the Somaliland Police.

In this section the following forms are recommended for use:

CTU 3 - Interview Plan.

CTU 5 - Witness Statement.

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that maybe of use to the wider Police Community.

Each of the forms is copied into the Appendices Section of the Somali language version of this Manual.

Chapter 11
Crime Investigative Process

11.1 Investigative Knowledge

Investigative knowledge assists Investigators to make effective and accountable decisions during an investigation.

It enables them to locate, gather and use the maximum amount of material generated by the commission of an offence to identify and bring offenders to justice.

There are three areas of investigative knowledge required to conduct an effective investigation. These are:

- The Legal Framework.
- Characteristics of Crime.
- Investigative Principles.

11.1.1 The Legal Framework

All Investigators must have a current and in-depth knowledge of criminal law and the legislation that regulates the process of investigation.

The key legislation in Somaliland is the Somaliland Criminal Procedure Code, the Somaliland Juvenile Justice Law and the Somaliland Penal Code.

To make full use of these opportunities, Investigators, without access to legal textbooks or other sources of advice, must make on-the-spot decisions as to which is the most appropriate course of action to take.

For these reasons it is essential that all Investigators understand the following:

- Legal definitions of offences likely to be encountered.
- Points that have to be proven.
- Potential defences available from law.
- Powers that support and regulate the investigation process.
- Relevant rules of evidence.

Without this knowledge Investigators could take action that is unlawful, or gather material in such a way as to make it unlikely that it will be accepted as evidence in court. Maintaining and developing a broader understanding of criminal law, including new laws that are introduced, will assist Investigators to deploy the full range of investigative techniques that can help to avoid the submission of unlawful or inadmissible evidence.

Such discipline should also ensure that investigations are able to withstand the high level of scrutiny applied to them by the criminal justice system.

Legal knowledge developed over time enables Investigators to anticipate the types of defence that may be put forward by a suspect. This anticipation allows Investigators to gather additional material that will enable courts to test the validity of the defence.

A common feature of serious and major crime enquiries is the high volume of material that they generate and the complex chains of evidence that result.

To successfully manage this material, Investigators require an in-depth working knowledge of the relevant Laws of Somaliland.

Investigators acquire legal knowledge through formal training courses and from experience of conducting investigations.

The legal framework within which Investigators work changes frequently and they should, therefore, ensure that they maintain a current knowledge of the law, including new legislation and amendments to existing law.

11.1.2 The Characteristics of Crime

Crime can be placed into three broad categories:

- Property Crime.
- Crimes against the Person.
- Crimes against Society (sometimes known as victimless crimes).

An examination of the types of crime in each category shows that they vary widely in terms of the behaviours involved, the types of victims, the motives of offenders, the methods used to commit the crime, and the degree of planning involved.

The differences between crimes are significant for investigators because the circumstances in which crimes are committed determine the volume and distribution of the material available for them to gather.

For example, although shop theft and commercial fraud are both property crimes, they generate quite different types of material due to the different ways in which these offences are committed.

The wide range of criminal behaviour, the circumstances in which it can occur, and the numerous ways in which victims, witnesses and offenders are likely to behave, means that investigators can be faced with numerous sources which may produce material.

Making appropriate decision in these circumstances requires knowledge of some of the factors involved.

These factors include the *modus operandi* (MO) of offenders and the characteristics of victims, witnesses or offenders.

Modus Operandi (MO)

A detailed knowledge of the MO's employed by known and suspected offenders within their policing areas will enable Investigators to:

- Understand how a particular crime has been committed, the type of material that may have been generated in the commission of the offence and how or where this material might be recovered.

- Identify linked series of crimes committed with the same MO. (Pooling material from a linked series of crimes is often a highly effective way of progressing an investigation).
- Identify links between crimes and known offenders who use the same MO.
- Predict future offending patterns which may enable preventive or protective measures to be taken.
- Predict future offending patterns which may enable offenders to be caught red-handed.
- Identify likely disposal routes and markets for stolen or illicit property, e.g., drugs.

Characteristics of victims, witnesses and suspects

Investigators must understand the ways in which victims, witnesses and offenders are likely to respond when a crime is committed and how best to obtain material from them.

This will require knowledge of:

- The range of communities in their local area, ('community' includes occupational groups, social groups and others who may meet only infrequently due to a shared interest or a shared use of an area or facility).
- The language, cultural and/or social needs of victims, witnesses and offenders which may be relevant when investigating crime.
- Persistent and problematic offenders within the area, and their networks of associates, who may also be involved in the criminal enterprise, e.g., for the disposal of stolen goods.
- Potential intelligence sources, both overt and covert, that are available within a community and which are capable of providing material which may assist in an investigation.

11.1.3 Investigative Principles

The areas of knowledge outlined in this section are essential for every Investigator.

The principles an Investigator must have in order to conduct an effective investigation include:

- An overview of the investigative process and the planning required to conduct an investigation.
- Decision-making and how it can be improved by the application of the investigative mindset.
- Investigative and evidential evaluation can assist the Investigator to determine the value of material gathered during the investigation.
- Core investigative strategies common to most investigations including victim and witness, suspect and scene strategies.
- Management issues common to all investigations.

Investigations should be conducted with integrity, common sense and sound judgment.

Actions taken during an investigation should be proportionate to the crime under investigation and take account of local, cultural and social sensitivities. The success of an investigation relies on the goodwill and cooperation of victims, witnesses and the community.

Heavy-handed, discriminatory or disproportionate actions by Investigators risk losing that cooperation.

Effective Investigators should maintain a balance between conducting an objective investigation and maintaining an approach that recognises the concerns of all the parties involved.

Where routine investigative actions have failed to gather sufficient material, Investigators should explore alternative methods.

Creative thinking may be required to determine the most appropriate type of action that will progress an investigation, but this does not mean that the high legal standards and integrity expected of investigators will be compromised.

Investigators should be open to the ideas and experiences of others. Colleagues and supervisors are a readily available source of investigative information, and investigators should consult them when trying to identify the most appropriate action to take in any given case.

Developing Knowledge

Although Investigators can acquire knowledge from formal training courses and the literature that exists on criminal investigation, they also need practical experience of investigations to underpin this knowledge.

However, Investigators should never rely on experience alone. This is because experience is unique to the individual, people learn at different speeds, and each will learn something different from the process.

There may also be a lack of exposure to certain types of crime and criminality, meaning that Investigators will not be experienced in some areas.

Moreover, while every investigation provides a new opportunity to increase the individual's investigative experience, it is a time-consuming way of building up knowledge.

Ideally Investigators should have a combination of formal training and experience. In practice, however, the balance between the two will vary between individual investigators because of differing opportunities to attend formal training courses, their access to the literature, and the experience that they are able to acquire.

Creative thinking requires the Investigator to look at the problem in another way, to question assumptions that may have been made, and to query the validity of all information. Investigators must continually question whether there may be another possible explanation for the material gathered.

Summary

Investigators should be encouraged to identify and share good practice with colleagues, and it is only by doing this that the Somaliland Police Service as a whole can learn from the collective experience of its Investigators.

11.2 Investigative Process

11.2.1 Material Gathered

During any criminal investigation large quantities of material are acquired such as:

- Public Complaints.
- Information (Verbal & Written).
- Physical evidence.
- Written evidence.
- Forensic evidence.
- Intelligence.

The initial amount of material generated by an offence can differ from the amount that is finally admitted as evidence in court.

Understanding what material is, how it is generated during a criminal offence and how it can be located, gathered and used, are all central to the investigation of crime.

11.2.2 A definition of Material

Material is material of any kind, including information and objects, which is obtained in the course of a criminal investigation and which may be relevant to the investigation

Material may be relevant to an investigation if it appears to an Investigator, or to the officer in charge of an investigation, that it has some bearing on any offence under investigation or any person being investigated, or on the surrounding circumstances of the case

It may be difficult for Investigators to predict what will or will not be relevant to the investigation, particularly during the early stages when the exact nature of what has happened, and who is involved, may still be unclear.

In the first instance, if in doubt, Investigators are advised to err on the side of caution and, where it is legally permissible, to gather and retain material.

Subsequently Police Supervisors or Prosecutors can be consulted to determine whether the material should be retained for use in the investigation or in subsequent court proceedings.

There are a number of potential sources from which the investigator can gather material and these include:

- Victims.
- Witnesses.
- Suspects.
- Locations, including crime scenes and the victim’s or suspect’s premises.
- Passive data - telephone records, banking and credit card records.

Material may present itself in different formats, and any tangible object could be material. Intangible things such as sound or images can be reproduced in a format (e.g., video or audio recordings) that can be used in evidence.

In practice the most common formats for material are:

- Victim & Witness Statements.
- Documents.
- Reports.
- Physical exhibits such as weapons, clothing, stolen goods and biological or chemical material.
- Fingerprints.
- Images.
- Electronic/digital.
- Audio or video recordings

The skill of the investigator is to not only identify and locate potential sources of material, but also to understand how the material must be gathered and stored in a format that is evidentially admissible.

11.2.3 Information, Intelligence & Evidence

Whether material becomes information, intelligence or evidence is dependent on how it is used. For example, a photographic image of a disturbance can be:

- **Information**

  If it is used to identify the time, location, circumstances and numbers involved in the incident.

- **Intelligence**

  If it is analysed, together with other material, to identify local people who frequent that area, have similar clothes and are suspected of involvement in other disturbances.

- **Evidence**

  If it is used in court to show that a particular suspect was involved in the disturbance or attack.

The total material generated by an offence

The amount of material that is generated by a criminal event depends on a number of factors, such as whether the crime is spontaneous or planned, the offender's criminal experience, the number of people who know that the offender is involved and the level of contact between the offender and the victim.

Each crime has a unique mix of material, but the amount is finite as there are only so many witnesses or so much physical evidence.

Material gathered by the Police

The aim of the investigator is to maximize the amount of material that is collected. It is not always possible to collect all of the material generated by an offence.

Some physical material may be lost or destroyed, some witnesses may not be located, and some of the material will only be known to offenders who do not reveal it to others.

Starting an investigation as soon as possible after an offence has been committed will enhance the Investigator's opportunity to gather the maximum amount of material (the 'Golden Hour' principle).

While it should always be the investigator's goal to gather material that will later be admissible as evidence, there will inevitably be occasions when this cannot be achieved.

The rules that determine what material will be accepted by a court as evidence are complex and are often themselves contested within a criminal trial.

As a consequence all material may be judged to be admissible under certain circumstances.

There are a number of general principles, however, which mean that some material will not normally pass the evidential test, e.g., hearsay, second person testimony, intelligence reports or evidence of opinion.

Even though the material is of a type that is generally not admissible, it does not mean that it should not be gathered or that it will not assist the investigation.

Such material may be highly valuable in setting parameters for other investigative activities or generating lines of enquiry that may produce other relevant, reliable and admissible material, and should, therefore, always be gathered.

11.2.4 Material that is admissible as evidence

As an investigation progresses the amount of material that will be capable of being used as evidence in court will be less than that gathered by the police.

There are two methods of criminal investigation:

- **Reactive**

  That is a crime that has already occurred or taken place, such as murder, rape or robbery.

- **Proactive**

  A crime that is being planned or arranged at some time in the future.

The proactive method is sometimes called intelligence-led or covert investigation.

The main difference between these two methods is that the reactive method starts with the discovery of a crime and seeks to bring offenders to justice by uncovering material that identifies suspects, and provides sufficient evidence to enable a court to determine their guilt.

The technique of reactive investigations focuses on interviewing victims, witnesses and suspects, the examination of scenes, and the development of forensic links between suspects and the offence.

The proactive method usually starts with an analysis of intelligence that points to a particular individual or group who is involved in planning or arranging a crime at some point in the future. This is often organised crime such as drug dealing, piracy or people trafficking. Individual instances of such offending are rarely reported to the police and generally the techniques of reactive investigation cannot be used.

As a result, investigators generally use a range of covert surveillance techniques that are designed to link offenders to the criminal enterprise, and these techniques are often complemented by financial investigations and forensic science techniques.

The two methods of investigation may overlap, particularly after a suspect has been arrested, and a reactive investigation may also use covert policing techniques as part of the overall strategy and vice versa.

The two methods of investigation should not therefore be considered as being wholly discrete or mutually exclusive.

11.2.5 The 'Golden Hour'

The Golden Hour is a term for the period immediately following the commission of an offence when material is abundant and readily available to the police. It does not mean the actual period of one hour following the commission or discovery of the crime.

Positive action in the period immediately following the report of a crime minimizes the attrition of material and maximises the chance of securing the material that will be admissible in court.

The list below outlines some Golden Hour considerations for Investigators:

- **Victims**

  Identify, support and sensitively preserve evidence.
- **Witnesses**

  Identify, support and (significantly) prioritise witnesses, record first account and description of suspect(s).
- **Scenes**

  Identify, preserve, assess and recover evidence.
- **Suspects**

  Identify, arrest and preserve evidence.
- **Log**

  Decisions and rationale, circumstances, resources, and conditions.
- **Family / Community**

Identify, inform, primary support (needs, concerns, expectations, sensitivities).

- **Physical Evidence**

  Preservation (public transport, escape routes, ambulances, hospitals).

- **Intelligence**

  Identify, prioritise, maximise, exploit, consider, community and open source.

The type of activity individual Investigators engage in, and the type of material that is gathered, varies depending on whether investigations use the reactive or proactive method.

11.2.6 'Fast Track' Actions

This term is traditionally associated with major enquiries, but should apply to every investigation whether or not it is using the reactive or proactive method of investigation.

Definition

> *'Any investigative actions which, if pursued immediately, are likely to establish important facts, preserve evidence or lead to the early resolution of the investigation.'*

The time when this type of action can be most decisive is usually during the initial investigation, but the opportunity for fast track action can occur at any stage. Fast track action is particularly appropriate when investigators are responding to incidents that are still ongoing or have only recently ended.

Material in the form of witnesses, forensic evidence and articles associated with the crime may be readily available if prompt action is taken to gather them.

Whether the crime has been recently committed or not, the first chance to obtain material may be the last. To delay protecting, preserving or gathering material may result in it being contaminated or lost. It is important that every chance to gather material is taken as soon as possible.

11.2.7 The Stages of a Criminal Investigation:

- Instigation or Initial Complaint.
- Initial Investigation.
- Investigative Evaluation.
- Evidential Evaluation.
- Further Investigation.
- Case File Preparation.
- Prosecution Liaison.

Instigation or Initial Complaint

The instigation of criminal investigations can occur in a number of ways:

- Reports from the general public such as attendance at police stations, phone calls to patrol officers.
- Referral by other agencies.
- Intelligence links to other crimes (linked series).
- Re-investigation as a result of new information, cold case or other type of review.
- Discovered as a consequence of other police actions.

Investigators, who are allocated crimes for further investigation, need to identify who dealt with the instigation phase, establish what decisions have already been made, what actions have been taken, and what material has been gathered so far.

Initial Investigation

Not every report of a crime will require an initial investigation. Intelligence from agencies is likely to be allocated for further investigation without the need for any initial investigation.

The majority of reports are, however, likely to be dealt with by deploying police officers to a scene or to the person reporting.

The first opportunity to locate and gather material may be the only opportunity.

For example, scenes that are not identified and secured will deteriorate quickly, witnesses who are not identified and interviewed straight away may discuss events with others and thus contaminate their recollection of the event, or may leave the area and be impossible to trace later.

It is vital that those engaged in the initial investigation of a crime take positive action to ensure that material is not lost in this way.

Investigators always investigate the crime as thoroughly as possible, and do not merely record the details on the assumption that the crime cannot be solved or that someone else will carry out an investigation at a later stage.

Investigators initially deployed to an incident are likely to have a number of competing demands placed on them as they arrive.

Before they can begin an investigation, they may have to:

- Deal with a violent situation.
- Provide first aid and call for medical assistance.
- Reassure victims and witnesses.
- Prevent public disorder.

Once these immediate priorities are dealt with, officers should plan how best to conduct the investigation.

Investigative Evaluation

Progress in a case involves making valid decisions about the value and meaning of the material gathered and selecting appropriate lines of enquiry to follow. The Investigator should continually evaluate material.

Evidence evaluation

This is a key phase in any investigation, and should include the following issues and questions:

- Has the investigation revealed sufficient evidence to charge the suspect.
- Is the evidence relevant and admissible.
- Are there any aspects of the evidence case that need re-visiting.
- Are there any other areas where further evidence should be sought.

If any of the above issues require further work or development, further investigation should be agreed, planned and undertaken.

Further investigation

Where a crime is allocated for further investigation, Investigators should develop a clear plan of how they intend to bring the investigation to a successful conclusion.

In some cases the initial investigation and the investigative evaluation will lead to the identification of a suspect, or will produce sufficient material to justify interviewing the suspect under caution, e.g., where victims or witnesses have made an allegation against a named individual.

Investigators should ensure that all new material is evaluated and that the investigative plan is revised accordingly.

All investigative plans should be accurately recorded.

Additional Material

There is the possibility that new material will become available after the charge, and this material may affect the eventual outcome of the case.

If Investigators have been thorough during the course of the investigation the impact of new material should be minimal.

All new material must be evaluated and any reasonable lines of enquiry that are identified must be pursued.

Case File Preparation

Accurate and full record keeping is essential throughout an investigation.

Investigators should check that all records have been fully completed and that there are no matters to be resolved.

There may be reports outstanding from forensic scientists or other experts, and these should be obtained and thoroughly checked to ensure that they do not contradict the prosecution case.

Prosecution Liaison

It is important that the investigator informs the Prosecutor (Attorney General) of any serious or politically sensitive investigation at the earliest opportunity.

A case conference should be arranged to discuss following:

- The full nature of the complaint or events that commenced the Police Investigation.
- A summary of the Police investigation to date, to include all evidence and lines of enquiry.
- Proposed future police investigative action.
- Advice from the Prosecutor on weight of evidence obtained and recommendations on proposed actions to rectify any identified weaknesses.
- Timelines for the delivery of evidence to the Prosecution.

11.3 Investigative Decision Making

11.3.1 How Investigators make decisions

Relatively little research has been conducted into the ways in which Investigators make decisions. They usually rely on a set of working rules that they develop from their experience of conducting investigations, and they also learn working rules from colleagues.

These working rules enable Investigators to understand the situations they are faced with and provide a framework that helps them to understand the material they gather.

Working rules provide an efficient means of decision-making, and generally present few problems although they do have a number of limitations that Investigators should be aware of if they are to avoid making inappropriate decisions.

Limited Personal Experience

There has been a tradition in the Police Service of learning on the job. The resulting range of working rules that Investigators have depends on their personal experience.

As a consequence an Investigator's ability to make decisions may be limited by the extent of their experience and the degree to which they are able to adapt it to any given situation.

As the unique experience of each Investigator contributes to the working rules they acquire, there will be considerable variation in the way that different individuals make decisions during investigations.

Some variation is inevitable, and even desirable, but this can cause difficulties in designing and implementing audit regimes and judging individual performance.

Unconscious Nature of Working Rules

Working rules can become so familiar to Investigators that they are not always aware that they are using them, and this may lead to difficulties in describing how a particular decision was reached.

Investigators may refer to these decisions as being based on hunches, gut reaction or intuition, and are unable to explain the rationale behind them, making it difficult for others to understand the decision-making process.

In principle there may be nothing wrong in following hunches or gut reactions, but the Investigator must expect to account for their decisions to others including victims, witnesses, supervisors, managers, and/or to partners in the criminal justice system.

Personal Bias

There are occasions when decisions are unconsciously affected by personal perceptions of people, places and situations. Racism, sexism or homophobia can influence the thought process without the individual realising the effect that they are having.

Individual biases can and does affect decision-making. For example, an Investigator may attend the scene of a house burglary and decides not to conduct house-to-house enquiries in the vicinity because of an assumption that no one will tell them anything worthwhile.

In this situation, the opportunity to gather information from the immediate neighbours is missed and this may have a detrimental effect on the investigation.

Verification Bias

If Investigators develop an early view as to what has occurred or who is responsible for a crime, there is a danger that they focus on the material that supports that view. This can result in a situation where they only gather material that supports their view, thus reinforcing their opinion that their view is correct. This will lead Investigators to ignore alternative lines of enquiry or sources of material.

Investigators should avoid taking too firm a view on any point until they have gathered the maximum amount of material.

Availability Error

There is a danger that an Investigator will base their decisions about the investigation on material that is vivid and memorable, dramatic, emotionally-charged, or easy to visualise.

Such material might be psychologically compelling, because it appears familiar or is linked to a memory, but it may not necessarily reflect the material at the Investigator's disposal.

Investigators should maintain an open and objective approach to gathering material, and be prepared to challenge their own reasoning behind a decision.

Using the investigative mindset and challenging personal perceptions will assist the Investigator in avoiding the availability error.

Other Factors Affecting Decision Making

There are a number of factors that may also adversely affect the quality of decision making. Whilst no one can rid their mind of these ingrained flaws, anyone can learn to understand the traps and compensate for them.

Factors which may affect decision-making, include:

- Sweeping statements which over-generalise and ignore contradictory evidence.
- Oversimplifying the facts by assuming clearly defined boundaries when it is not possible to do so.
- Making inferences from the particular to the general, e.g., assuming that because some are X they all are X.
- Begging the question, or taking things for granted which have not yet been proven.
- Special pleading, stressing only one viewpoint and ignoring other more relevant or plausible opinions because they conflict.
- Potted thinking is using simplistic assertions in an unwarrantable fashion, or using slogans or catchphrases in arguments.
- Early assumptions about material or a source of material can potentially misdirect the focus of an investigation and cause relevant material to be overlooked.
- Investigators can become overwhelmed by information, which may result in the investigation losing direction or focus.
- Building unlikely hypotheses that do not reflect the known facts, ultimately causing the investigation to become misdirected, or an opportunity to be overlooked.
- Wasted effort caused by investigative actions which although satisfactory, may be time-consuming but not optimal to the investigation.
- Poor examination or evaluation of material (including investigative interviewing) may cause relevant lines of enquiry to be overlooked.
- Underestimating the importance of victims or witnesses.

A polite but disregarding approach by Investigators may potentially cause victims and witnesses to become unhelpful or apathetic to the investigation or subsequent criminal proceedings.

All of the above limitations can have a detrimental affect on the quality of decisions taken by Investigators, but by being conscious of them, they can adopt a disciplined approach to decision making.

All occupational groups develop and use such rules and in reality there is no effective alternative. Investigators must, however, be aware of the potential pitfalls, and actively challenge their personal perceptions and understanding.

11.3.2 Investigative Mindset

The application of an Investigative Mindset will bring some order to the way in which Investigators examine material and make decisions.

There is no process map that will assist the Investigator to develop the mindset; it is a state of mind or attitude that Investigators adopt and which can be developed over time through continued use. It involves applying a set of principles to the investigation process.

This will enable Investigators to develop a disciplined approach that ensures that the decisions they make are appropriate to the case, are reasonable, and can be explained to others.

The Investigative Mindset, can be broken down into the five following principles:

- Understanding the source of material.
- Planning and preparation.
- Examination.
- Recording and collation.
- Evaluation.

11.3.3 Applying the Mindset.

Applying the Investigative Mindset to the examination of all sources of material, such as evidence, intelligence and other information, will ensure that:

- The maximum amount of material is gathered.
- Its reliability is tested at the earliest opportunity.
- Immediate action is taken in relation to it.
- Relevant records are made.
- The material is appropriately stored.

The first opportunity to examine a source of material and test its reliability may be the last. In addition, where there is an opportunity to gather material early in an investigation, it must be taken. To pass up such opportunities may mean that they are lost forever.

In applying the Investigative Mindset, Investigators should be mindful of the limitations in decision making. In particular, they should guard against being influenced by their first impression of the material.

This is particularly true of material gathered from victims, witnesses and suspects in the early stages of an investigation when they may still be traumatised or under stress caused by the commission of the offence.

Those who appear to be reluctant to assist, or even hostile, may have useful material which, if dealt with correctly, they will share with investigators. Conversely, those who appear compliant or willing may be presenting self-serving versions of events.

Investigators must keep an open mind and be receptive to alternative views or explanations. Investigators should never rush to premature judgments about the meaning of any material, or the reliability of its source.

Accepting the material at face value risks overlooking alternative sources of material or alternative interpretations, thereby losing the opportunity to examine them.

The application of the Investigative Mindset from the outset assists Investigators in identifying areas that require development or challenge through further investigative action. It also helps them to make structured and auditable decisions.

11.3.4 Investigative & Evidence Evaluation

Material that has been gathered during an investigation should be subjected to a periodic formal evaluation, as this will allow the Investigator to review the progress of the investigation. Evaluation enables Investigators to 'step back' from the rush of investigative action, and to consider the investigation in 'slow time'.

Even though an investigation may appear to be straightforward, Investigators should always be encouraged to take this step back and formally evaluate the material, exploring whether any additional lines of enquiry can be identified and ensuring that all existing lines of enquiry and investigative actions have been pursued and completed.

It also allows Investigators to review the actions and decisions already taken.

This process of evaluation is as relevant to volume crime investigations, as it is to more serious or complex investigations.

Investigators must follow a standard model of evaluation as this will enable them to become competent in its use, and allow them to evaluate material in a consistent, structured and auditable format.

There are two types of formal evaluation that should be carried out during an investigation.

Investigative evaluation should identify:

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

Evidential evaluation should consider:

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

In practice both evaluations may be carried out more than once during an investigation using the same method. During the early stages of an investigation a greater emphasis should be placed on investigative evaluation in order to identify a suspect.

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

The key differences between investigative and evidential evaluation are that during an investigative evaluation, Investigators are free to use all available material even though it may not be evidentially admissible.

When carrying out an evidential evaluation, Investigators need to assess the strength of the case, taking into account only the evidentially admissible material.

11.4 Investigative Planning

11.4.1 Planning

An investigative action can be defined as any activity that, if pursued, is likely to establish significant facts, preserve material or lead to the resolution of the investigation.

There are two distinct types of investigative action.

The first is a range of actions that are intended as a general trawl for information.

These can be undertaken in any investigation irrespective of the circumstances of the case, but are most likely to occur in the early stages of the investigation when the information about the offence is often imprecise.

Examples of these activities will include:

- Crime scene examination.
- Victim or witness interviews.
- Media appeal.
- House-to-house enquiries.
- Area search.
- Intelligence searches.
- Tasking Informants.

The second range of actions relate to specific lines of enquiry that have been generated during the investigation. These can occur at any time and include:

- Tracing a named suspect.
- Identifying and locating potential witnesses who require interviewing.
- Pursuing significant information that requires further investigation.

These enquiries differ from the first type because they are evidence specific, and some information about the crime is needed in order to identify the most appropriate action.

During the initial investigative phase a range of actions will be conducted. At this point many will be determined by the circumstances of the allegation and will be mainly concerned with:

- Obtaining initial accounts from victims and witnesses.
- Locating and securing material (CCTV, photo footage etc.).
- Identifying and preserving scenes or routes to and from scenes.
- Arresting the suspects.

Investigators must consider a number of issues when developing investigative plans; first and foremost are the legal and ethical considerations relating to the conduct of any investigative action.

To develop an investigative strategy, the investigator must use their knowledge and experience to decide which investigative actions are the most appropriate. The purpose of the plan is to:

- Identify a line of enquiry to pursue.
- Determine the objective of pursuing a particular line of enquiry.
- Identify the investigative action(s) necessary to efficiently achieve that objective, taking into account resources, priorities and proportionality.
- Conduct the investigative action and gather the maximum amount of material which may generate further lines of enquiry.

The final decision about the appropriate investigative action to undertake must be driven by the investigation, not just by completing a checklist.

Chapter 12
Somaliland 'Crime Investigation Model'

12.1 Introduction

The effective investigation of crime is a vital part of Policing business in Somaliland, and Somaliland Law, such as the Criminal Procedure Code and the Penal Code, in part covers the conduct of investigations.

As these laws have been in existence for many years. The 'generic' process has evolved into an unseen, undocumented, but 'alive' structured investigative model that is also common to Somalia.

Also, prior to the collapse of the Somali State, the Police worked to a published set of 'Standard Operating Procedures' (SOPs), which included procedures covering the investigation of crime. Unfortunately, the SOPs were effectively lost during the intervening years.

On a positive note, many of the older Investigators retained these earlier developed investigative skills, and have passed them onto some of the younger Officers.

The benefit is a previously undocumented Somaliland 'Crime Investigative Model', which will be explained in detail, with corresponding examples. The benefits of working to improving the model are manifold, and include:

- Standardised Investigative Process

  This enables a consistent approach to investigation.
- Common Methodologies

  This delivers the best methods to complete the various stages of the model.
- Development of Best Practice

  This identifies and encourages improved ways of working, and of discouraging the bad.
- Professional Standards

  This delivers recognised processes, procedures and minimum standards.

The model comprises two critical elements, which are essential to the workings of the model:

- Actions

  These are the physical actions that are performed through the investigative process.
- Records

  These are the various records, books, documents and reports that are completed in support of the investigative actions.

The six stages of the model are:

1. Dealing with initial complaint / report.
2. Planning the Investigation.
3. Interviewing Victims and Witnesses.

4. Examining Crime Scenes and Searching.
5. Arrest & Interviewing Suspects.
6. Completing the Report to the Prosecutor.

Each of these stages will be covered in more detail later in this part of the Manual.

Important Note

The idea of the model is to present a summary of various stages in the Somaliland Investigative Process.

In doing so it should be used as a reference point, but not necessarily a complete account of some of the more detailed theories relevant to criminal investigation.

There are other parts of this Manual which deal in more depth with the following subjects:

- Criminal Evidence.
- Forensic Evidence.
- Crime Scene Management.
- Victim & Witness Interviewing.
- Suspect Interviewing.
- Search & Seizure.

Where there is a relevant crossover of subjects, a summary of the key issues is replicated in the model part of the Manual.

The model is broken down into six separate and sequential stages, and most investigations can follow this format.

However, this is not in itself critical, as there are investigations that can start at different points in the model. This is very much dependent on how it comes to the notice of the Police.

For example, where a suspect is arrested as the first action, or where a crime scene is the first discovery of an incident of crime.

Even if this occurs, the Investigator still needs to consider completing the other stages of the model.

It is important for Investigators to follow the model and also take into account the crime investigative 'theories' contained in Chapter 11 of this Manual ('Crime Investigative Process').

12.2 Use of Standard Forms

A number of 'standard' forms have been designed and introduced to the Somaliland Police (for dealing with Counter Terrorist Investigations).

The documents have been prepared by a UK Government-funded Project Team in collaboration with the Somaliland Police.

These can be used in the various stages of any investigation, especially when dealing with Serious Crime.

Their use is encouraged where available, and they will be explained and presented at logical and relevant points in this part of the Manual.

Each form is given the identifier CTU with a number, for example CTU1, CTU2 etc.

There are 11 forms in use which should be used, where available, in serious crime investigations, they are:

CTU 1 - Exhibits and Premises Search Register.

CTU 2 - Scene Management Log.

CTU 3 - Interview Plan.

CTU 4 - Suspect Statement.

CTU 5 - Witness Statement.

CTU 6 - Operation Room - Action Form.

CTU 7 - Message Form.

CTU 8 - Fingerprint Form.

CTU 9 - Antecedents Form.

CTU 10 - Custody Record.

CTU 11 - Intelligence Report.

They are copied into the Appendices Chapter of the Somali language version of this Manual.

12.3 Diagram of the Model

Somali 'Crime Investigation Model'

Actions	Records
Dealing with the initial complaint/report	Pocket Notebook, Occurrence Book, Crime Register & Intelligence Report
Planning the Investigation	Investigation Diary
Interviewing Victims & Witness	Investigation Diary, Interview Plan, Witness Statements & Intelligence Report
Examining Crime Scenes & Searching	Investigation Diary, Crime Scene Log, Crime Scene Notes, Sketch Plans, Photographs, Record of Items Recovered, Witness Statements & Intelligence
Arrest, Searching & Interviewing Suspects	Pocket Note Book, Investigation Diary, Crime Scene Log, Occurrence Book, Custody Record, Personal History Form (Antecedents), Fingerprint Form & Intelligence Report
Competing Report to Prosecutor	'Standard' Prosecution Report, Witness Statements, Exhibit List & Suspect Statements

12.4 Dealing with the initial Complaint / Report

This is one of the most critical stages of a criminal investigation, so the Investigator must immediately work to the 'Golden Hour' principle, 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.

Actions:

- Immediately locate and identify the victim.
- Note their physical condition and general demeanor.
- If injured, make sure they receive immediate medical attention.
- Ensure that their initial account of events is recorded as evidence.
- Make subsequent arrangements to record a full statement of evidence.
- Treat the victim as a potential 'crime scene', so consider taking photographs and recovering potential evidential exhibits.

- 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 at the earliest opportunity.
- Consider urgent 'house-to-house' enquiries in the vicinity of the potential crime to identify further witness and recover evidence.

Records:

Pocket Note Book

- 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 as listed in the actions section above, which includes recovery of physical evidence.
- 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 kept in a safe location and be capable of recovery as an exhibit for court purposes.

Occurrence Book (OB)

- 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 detail of who is dealing with the investigation.

Crime Register

- 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.

A number of 'standard' forms have been designed and introduced in Somali language format to the Somaliland Police (for dealing with Counter Terrorist Investigations).

The documents have been prepared by a UK Government-funded Project Team in collaboration with the Somaliland Police.

In this section the following forms are recommended for use:

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.

For more detail on Intelligence Reports see the relevant Part of this Manual. Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

12.5 Planning the Investigation

This part of the investigation requires the Investigator to '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 Investigator will be able to develop a clear investigative plan which takes account of as many known factors as possible.

Actions:

- 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:
  - Identification and interviewing of 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 (those that need completion, but are less than urgent):
  - Notify Senior Police Managers of the progress of the investigation.
  - Begin liaison with the Prosecutor.
  - Consider Press and Media briefings.
  - Begin preparing an outline of the Prosecution Report.

Records:

Investigation Diary

- Each Investigator must ensure that they have such a document (a plain note book will suffice).
- Commence a new diary for each new investigation.
- In this document record the entire investigation process, from start to end.
- Record key investigative decisions, the reasons for making them and the results of the actions undertaken to achieve them.
- Record a summary of meetings with Senior Police Managers, the Prosecutor and other relevant Parties, including details of decisions made/agreed.
- Ensure that the document is kept safe and when not in use that it is locked in a suitable place.

12.6 Interviewing Victims and Witnesses

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

It is essential that the Investigator progresses this part of the investigation as quickly as possible. Remember, the longer that time passes, the less opportunity there is to get the best possible evidence.

Actions:

- Arrange for a suitable location to interview the victims and witnesses.
- This must take into account the nature and seriousness of the crime under investigation.
- 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 first.
- 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 that 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 you have another responsible adult or parent present at the interview.
- Make sure you have sufficient paper (see use of standard forms later in this section) and pens to complete each interview.

- Have present storage bags or similar articles to collect any material evidence which may be produced to 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 the structured approach, which is:
  - Stage 1 - Building Rapport.
  - Stage 2 - Obtain Narrative Overview.
  - Stage 3 - Obtain Detailed Chronology.
  - Stage 4 - Conclude the Interview.

**More detailed information can be found about the structured approach in Chapter 8 of this Manual*

- Ensure a statement of evidence is written down in a form which represents a full account of what the person can recall.
- Read the statement back to them and allow an opportunity for them to correct or add anything they wish.
- Ask them to sign each page of the statement.
- All Police Officers present during the interview must also sign each page of the statement.

Records:

Investigation Diary

- Ensure that a summary of the evidence of each victim and witness is recorded in the diary. 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 any contradictions or deficiencies in the evidence.
- Record when decisions are made to re-interview victims or witnesses, noting the reasons why.

Interview Plan (See CTU3 below)

- It is best practice to consider writing a basic interview plan prior to the actual interview.
- This is especially important in very serious crime cases, such as sexual crime.
- A 'Standard Format' is recommended below.

Witness Statement (See CTU5 below)

- The evidence taken from both victims and witnesses should be recorded in handwritten form.
- All such statements must be treated in the utmost confidence.
- They must not be disclosed to any person that is not connected to the investigation, such as other Investigators, Supervising Officers and the Prosecutor.

Standard Forms

In this section the following forms are recommended for use:

CTU 3 - Interview Plan.

CTU 5 - Witness Statement.

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider police community.

Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

12.7 Examining Crime Scenes and Searching

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 with multiple victims of crime.

Also, how do you define a crime scene, is it a person, is it a place, is it physical thing or can it be electronic, and include cell phone and computer networks, including the Internet.

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 crime or criminal activity.

This can be real evidence, such as weapons in 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.

Actions:

- At the earliest opportunity, identify the crime scenes as per their type, such as persons, places, vehicles etc.
- Compile a list of each one, and accord priorities to which should be dealt with first, and then in what ascending order.
- The highest priority should be the scenes that involve the victim.
- At the scene the Investigator must achieve immediate control by setting some sort of 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 then 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 (where present) the positions of the victims, suspects, witnesses, key evidence and other relevant material.
- This should be complimented by the taking of photographs which 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 to keep the scene secure to permit later re- examination.

Records:

Investigation Diary

- Ensure that a summary of the actions taken at each crime scene, and the evidence recovered, is recorded in the diary. This will assist in the later preparation of the Prosecution Report.
- The Investigator should also include decisions made about retaining crime scenes for later re-examination and decisions made not to search other potential crime scenes.

Crime Scene Log (See CTU2 below)

- 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.

Crime Scene Notes

- A description of the crime scene, including type of scene (person, building, vehicle etc.) location and address.

- Detail and cross-reference to other crime scene records, such as the crime scene log, sketch plans, photographs and record of items recovered.

Sketch Plan

- A diagram showing an outline of the scene, the positions of victims, suspects, witnesses and key evidence, and other material recovered.

Photographs

- A list of the photographs taken, by whom, and a description of each image, plus copies of each image.

Record of Items Recovered (See CTU1 below)

- A detailed list of all the items taken from the scene including sequential numbers of each item, descriptions of the item, the location found, why it was recovered, by whom and where it is stored.

Witness Statement (See CTU5 below)

- 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.

Standard Forms

In this section the following forms are recommended for use:

CTU 1 - Exhibits and Premises Search Register.

CTU 2 - Scene Management Log.

CTU 5 - Witness Statement.

Witness statements should be completed by the Officers involved in the various crime scene roles, as decided by the Investigator.

This is very important in terms of the recovery of evidence, where each Officer that recovers evidence should make a statement to that effect producing the evidence as 'exhibits' in the Prosecution Report.

CTU 11 - Intelligence Report

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.

Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

12.8 Arrest & Interviewing of Suspects

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 through 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**
  - 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 of requirements can be delayed if the suspect is violent at the time of arrest, but they must be informed as soon as 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.
- To locate anything they may have concealed on their person which 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 which may assist with the wider investigation.

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 a this time.

Actions:

- 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 'yes' to either of these questions, consider arresting at a more appropriate time.
- If not, inform the suspect that they are being arrested, detail the crime they are being arrested for, and 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 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.
  - 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.

* These documents form the basis of a 'criminal record'.

- All property taken from the suspect on arrest and property still in their possession must be recorded.
- The suspect 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 a crime.
  - Where the revelation of the arrest may prejudice the urgent investigation of a crime.

* When the above circumstances cease the suspect must be allowed access to a Defence 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.

Records:

Pocket Note Books

- Details of the arrest, time, date, location and names of suspects, evidence and property seized, must be recorded.
- 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.

Investigation Diary

- A summary of the arrest of each suspect should be recorded in the diary. This will assist in the later preparation of the Prosecution Report.
- Also note the evidential exhibits secured from the suspect.

Crime Scene Log (See CTU2 below)

- If the suspect was arrested at a location which the Investigator decides should be designated as a crime scene, it will necessary to complete this record, as mentioned in the previous section.

Witness Statement (See CTU5 below)

- The evidence recorded in the Investigator's notebook should be used as a basis of a written evidence statement.
- This should include details of the arrest, time, date, location and names of suspects, evidence and property seized.
- It should also include the Arresting Officers words of arrest and the verbal replies of the suspect must be recorded, including a description of the suspect and their physical condition.

Occurrence Book (OB)

- Details of the arrest should be recorded in the OB book for the local Police Station where the arrest took place, and in case of Headquarter Units that maintain an OB book, it should be reported there and cross-referenced to the local OB entry.

Custody Record (See CTU10 below)

- It is recommended for serious crime 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 Defence lawyer.
- Details of charges conferred.

- Details of Court appearances and bail or remand.

Personal History Form (Antecedents) (See CTU9 below)

- To record all the background information of the suspect (antecedents), including details concerning:
  - Addresses lived at or access to.
  - Vehicles owned, driven or access to.
  - Driving Licence.
  - Passports.
  - Bank and credit / debit cards.
  - Cell phones, fixed phones, email addresses etc.
  - Family.
  - Employment.
  - Previous arrests.
  - Previous criminal convictions.

Photographs

- As mentioned in 'actions', it is recommended that photographs are taken of suspects in all serious crimes cases.

Fingerprint Form (See CTU8 below)

- The Criminal Records Office of Somaliland Police have a dedicated fingerprint form (which also contains space for a suspect's personal history).
- This form should be used to record the fingerprints of all suspects in connection with serious crime, for each and every occasion that they are arrested.
- This is a unique record to confirm beyond all doubt the identity of suspects.

Standard Forms

A number of 'standard' forms have been designed and introduced in Somali language format to the Somaliland Police (for dealing with Counter Terrorist Investigations).

The documents have been prepared by a UK Government-funded Project Team in collaboration with the Somaliland Police.

In this section the following forms are recommended for use:

CTU 2 - Scene Management Log.

CTU 5 - Witness Statement.

CTU 8 - Fingerprint Form.

CTU 9 - Antecedents Form.

CTU 10 - Custody Record.

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that may be of use to the wider Police Community.

Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

Interviewing of Suspects

The interviewing of suspects normally occurs at some stage following on from 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 therefore should 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).
- Dispute any aspect of the allegation.
- Provide their own account of events.
- 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.

Actions:

- Prior to the 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.
- The 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.
- 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 involve female suspects, it is imperative that one of the interviewing officers is 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.
- The Investigator must allow the suspect the opportunity to speak to a Defence lawyer prior to the interview.
- This may include the Investigator providing such a Defence lawyer with a brief account of the arrest and the 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 the Investigator should use a structured approach using the 'PEACE' Model covered in the Part 8 of the Manual.
- The interview should record the interview in written form.
- 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, such as the introduction of new or contradictory evidence, should consider the need for re-interviewing the suspect at a later stage.

Records:

Investigation Diary

- A summary of the interview with each suspect should be recorded in the diary, as this will assist in the later preparation of the Prosecution Report.

Interview Plan (See CTU3 below)

- This should be a record of the interview plan compiled prior to the interview.

Suspect Statement (See CTU4 below)

- This should be the full handwritten account of what the suspect has said during the interview, and should include any comments or observations added at the conclusion of the interview.

Witness Statement (See CTU5 below)

- The evidence of the interview, including the showing of evidential exhibits to the suspect and producing the interview record as an exhibit, should form part of a witness statement completed by the Investigator or one of the other Officers present at the interview.

Custody Record (See CTU10 below)

- The record should be updated to include details of the times and dates of the interview and who was present at each interview.

Standard Forms

In this section the following forms are recommended for use:

CTU 3 - Interview Plan.

CTU 4 - Suspect Statement.

CTU 5 - Witness Statement.

CTU 10 - Custody Record.

CTU 11 - Intelligence Report.

The Intelligence Report should be used to record any suitable information that may be of use in a specific investigation, or information that maybe of use to the wider police community.

Each of the forms is copied into the Appendices Chapter of the Somali language version of this Manual.

12.9 Completing the Report to the Prosecutor

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 (Assistant Attorney General in Somaliland).

The report and the attendant evidence should reflect the work carried out in all the earlier stages in the 'Somaliland Crime Investigative Model'.

The Prosecutor will subsequently review the report in order to decide:

- Is there sufficient evidence contained in the file to justify a suspect being charged with criminal offences, as per the Somaliland Penal Code or other relevant Law.
- Determine what specific crimes should be conferred on 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.

In order for the Police to get to this stage they should:

Actions:

- In the case of serious crime they should have previously notified the Prosecutor of the arrest of a suspect and the nature and extent of the Police Investigation.
- This notification should then have been followed up with periodic meetings with the Prosecutor, updating them on the progress, or otherwise, of the investigation.
- At the conclusion of the investigation, the Investigator should review their Investigative Diary and ensure the inclusion of all relevant decisions they made, and that further investigations arising from these decisions have been completed.
- Any incomplete investigations must be finished at the earliest opportunity.
- The Investigator then needs to conduct a 'quality review' of all the evidence compiled during the investigation to ensure that all the documentation is complete.
- Any discrepancies must be corrected at the earliest opportunity.
- The Investigator then needs to prepare the Prosecution Report in standard format, as detailed below under 'Records'.
- Once the report is completed it must be submitted to a Senior Police Officer, such as the Station Commander or the Head of CID Investigations.
- This person must check the Prosecution Report in order to review the evidence and the contents of the report, to ensure the investigation has been completed and also to ensure that the evidence appears to be sufficient to warrant a prosecution.
- If the Prosecutor subsequently requests the Police to undertaker further investigations, this should be completed by the Investigator at the earliest possible opportunity.
- Where possible they should agree on a target date for completion of the work.
- If there is any delay in completing the extra work, the Investigator must notify the Prosecutor and explain the reasons for the delay.
- If the investigation proceeds to a criminal prosecution the Investigator must inform the victims and key witnesses of what is happening and then keep them updated.

Records:

Prosecution Report/File

- The 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 delivered to the Prosecutor personally 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, Senior Officers 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 their full name, not 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 details of any medical treatment and/or hospitalization.

  This should be cross-referenced to medical evidence from a Doctor.
- **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 suspect should be mentioned in the context of the report, as should 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 (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 for which the evidence is of no value to the prosecution.

- **List of evidential exhibits**

  Details of all evidence secured during the investigation.

The content of the actual file should include the following:

- The Report.
- All victim and witness statements and evidential exhibits produced by them.
- All suspect interview statements.
- Physical paper evidence, including crime scene logs, notes, sketch plans and scene photographs.
- Other Police investigative documents (including standard forms), such as the 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.

Chapter 13
Criminal Intelligence Systems

13.1 Introduction to Intelligence

Intelligence is a very generic term that is subject to many differing forms of definition and understanding.

Many use the terms 'information and intelligence' in the same context, but they are essentially very different forms of data.

In its 'raw' form, information cannot normally be relied upon as to its content, purpose or intent. In many examples, information can be inaccurate, misleading or false and it should not be relied on to inform professional decision-making.

For information to become more reliable it needs to be subject to some form of evaluation or assessment that then gives it some form of value, and it can then be termed as 'intelligence'.

In the Policing context intelligence has a more specific meaning, in so much that it is intelligence that may be of use to the Police in dealing with:

- **Crime**

  This includes the successful investigation of reported crime, improved use of investigation techniques, strategies to reduce the commission of crime (such as crime prevention and reduction), and better use of crime analysis.

- **Criminals**

  The arrest and prosecution of offenders, proactive operations and techniques designed to disrupt and dismantle criminal groups, and better use of covert and analytical resources and techniques.

- **Community Safety**

  Improving community safety, reducing the fear and effects of crime, and introducing and developing community partnerships (such as neighbourhood watch schemes).

- **Many other forms of policing business**

  This may include intelligence that can be used to address traffic and road management concerns such as the reduction in vehicle accidents, or dealing with the problems associated with driving whilst under the influence of alcohol and/or drugs.

13.2 Importance of Intelligence

Intelligence should be at the heart of Police business planning where account is taken of all the known and emerging issues affecting community safety, as well as local and national Governmental Objectives related to the required levels of performance and value for money principles.

The vital central ingredient in successful Police business planning is information and understanding on five issues:

- An accurate picture of the business.
- What is actually happening on the ground.
- The nature and extent of the problems.
- The trends.
- Where the main threats lie.

13.3 Criminal Intelligence

This is information that has been turned into 'intelligence' by means of an evaluation and assessment process that is explained in detail later in this Manual.

It is intelligence that is gathered, acquired, developed and used for Policing business and can be:

- Focused and targeted towards crime, criminals and their activities.
- Can be tactical or strategic.
- Has been subject to an evaluation process.
- Has been subject to a provenance check.
- Can be used to influence and direct Police action/inaction.

Criminal intelligence can then be sub-divided into two distinctive groups, tactical and strategic. This is determined by what information the intelligence provides to guide short and long-term activities, and what responses and actions the police can take in terms of an immediate response.

13.3.1 Strategic Intelligence

This is intelligence of a much broader and long-term picture that is required by Senior Police Officers and other policy makers for the formulation of strategy, policy and long-term plans.

It will include intelligence that identifies:

- **Crime Data**

This includes all crime reported to the police, the various crime categories, and arrest and convictions rates for offenders.

- **Emerging Crime Trends**

Analysis of current and historic reported and investigated crime, the demographic nature of the crimes, the profile of arrested persons, the interpretation of the data, and some predictive analysis.

- **Activity of Criminal Groups**

Information showing the extent of the suspected criminality, its structures, its organisational behaviour, financial profiles, risks to the community, and threats to society in general.

The purpose of this type of intelligence is manifold, but it primarily seeks to:

- **Strategic Context**

Provide a strategic context within which to understand emerging threats and to plan dynamic responses.

- **Foresight Capacity**

  Provides a foresight capacity to allow the development and introduction of effective and targeted strategies and tactics.

- **Early Warning**

  Provides early warning of the need for new or different capacities, priorities, powers etc.

- **Reducing Uncertainty**

  Narrows the range of uncertainty and tries to introduce some form of predictive planning.

13.3.2 Tactical Intelligence

This is intelligence concerning the current short-term activities of criminals, such as what crimes they have committed, are currently planning or committing, and all relevant detail such as:

- Names of criminals and their associates.
- Addresses of where they live, stay, frequent, hide stolen items.
- Cell phone numbers, fixed line numbers, telephone bureaus.
- Email, Skype, twitter, web detail.
- Financial information, such as their bank accounts, use of money transfer services, credit card detail etc.
- Information concerning their movements, where they have been and who they have been visiting.

The use of such intelligence will allow the Police to plan proactive investigations, identify the extent and types of crimes being committed or planned by criminal groups.

It will also identify gaps in knowledge that need to be pursued in order to combat and disrupt such activity.

13.3.3 Processing Intelligence

However, for such ‘information’ to be of use to the Police it needs to go through some form of evaluation and assessment to turn it into material that can truly be described as ‘intelligence’.

Once such intelligence is produced it is provided to the Investigator through a process that enables information to be scientifically developed towards a greater degree of focus, accuracy and relevancy in regard to:

- **Crime**

Specific crime investigations.

- **Criminals**

  Types of criminal behaviour, active criminal individuals and groups.

This intelligence can lead to the discovery of new evidence, and new lines of enquiry, and will provide the Investigator with a complete set of 'new tools' in the prevention and detection of crime and criminal behaviour.

13.3.4 General Considerations

Intelligence, by its very nature, is a very sensitive and potentially dangerous product that needs to be treated with the utmost caution, and should always be treated with the utmost confidentiality.

The following factors also need to be considered:

- **Sensitive Information**

  Intelligence work must be handled in accordance with the need to protect the most sensitive information contained within the product.

- **Operational Security**

  Intelligence work must be kept secure and must only be accessible to people who have a justifiable operational need.

- **Keeping Records**

  A record should be kept of all disseminated material. Ideally this should be in an indexed form that will aid searching and recovery.

- **Retention and Storage**

  At the end of criminal proceedings, intelligence work should be managed in accordance with policies covering the retention, weeding and storage of material.

- **Audit**

  Information contained in any intelligence product must be supported by documented intelligence that will stand up to scrutiny and can be audited.

13.4 Intelligence Cycle

The Police cannot be effective unless they can identify the active criminals and how they operate. This is essential if the Police are to:

- Disrupt Criminal Activity.
- Dismantle Criminal Groups.
- Develop Proactive Techniques to Combat Crime & Criminality.

Intelligence is the key to becoming more effective in solving crime and other policing problems.

The processing of information obtained is required to turn it into useable intelligence, which must be properly evaluated and its provenance assessed in order to ensure it is ethical, accountable and, where appropriate, actionable.

In order to maximise the use of intelligence, and to control and exploit all aspects of its collection, there is a widely accepted intelligence cycle that is used to manage the process.

This is a never ending circular process and the information can, with patience and expertise, be transformed from its rough and untreated form into something with shape that can be used.

It should be accurate, relevant, properly sourced, evaluated and analysed information.

In order to deliver the intelligence process there are a number of key sequential and interlinked steps:

- Direction.
- Collection.
- Evaluation.
- Analysis.
- Dissemination.

13.4.1 Direction

At the very start of the intelligence cycle is direction. This is where decisions are made to decide what types of intelligence are sought or required by the Police.

Example - At the generic level the Police may be seeking information to identify the nature and extent of rape and other sexual-related crime in 'Internally Displaced Persons' (IDP) camps over a specific period or in a given geographical area.

Example - At a more specific level the Police may be seeking information to identify key members of criminal groups who are believed to be engaged in serious crime, such as Human Trafficking and Kidnapping, including their movements, identities and what crimes they are planning to commit.

13.4.2 Collection

This is the part of the process that determines how intelligence is actually collected.

In the generic case, this may include the Police collecting information from a variety of sources, such as government departments, other law enforcement agencies, non government organisations (NGOs), the public, and anyone else who may be able to supply information concerning any aspect of the problem.

More specifically, this may include collecting information from the same sources as before, but perhaps concentrating on more covert sources such as informants and other criminals.

13.4.3 Evaluation

All the information that is received is subject to an evaluation process that should be capable of converting information into intelligence, which will then permit detailed analysis.

The evaluation process needs to be systematic and methodical in order to deliver a standardised and provenanced method of evaluation.

Later in this Manual the UK '5x5x5' evaluation system will be explained, which is a well-established and tested system that delivers consistent levels of evaluation.

13.4.4 Analysis

This is the examination and assembly of individual pieces of information to show meaning and patterns. Analysed intelligence is then used to build a clear picture of the different aspects of the crime or criminal activity.

In general terms, the analysed intelligence will deliver a picture of where the crimes are being committed, specific times and dates, an inference as to why the crime is being committed, and the potential to identify the criminals responsible.

More specifically, the analysed intelligence will provide the Police with more detailed knowledge of the criminals, their activities, associates and other relevant intelligence.

There are two main aims of Intelligence Analysis:

- To develop and test inferences which outline who, what, where, why, when and how.
- To provide Senior Management with clear tactical or strategic assessments.

Analysis is carried out to make the best possible use of known intelligence and to produce where possible a predictive element, capable of influencing strategies designed to combat operational problems.

Skilled analysis will be able to piece together the big picture and develop inferences that will influence operational action. It is at this stage in the intelligence cycle that gaps in intelligence are identified, and new targets are identified.

This part of the intelligence cycle can only be dealt with after all the other parts have been worked through. This is the point where the Intelligence Specialist decides precisely what to do with the information/ intelligence that has been processed.

13.4.5 Dissemination

At this point a decision needs to be made whether to pass the intelligence to others who may have more use for it, or whether the intelligence should be further developed.

Dissemination is the passing on of intelligence to both those entities that should know, and should need to know.

Dissemination decisions should always be subject to some form of risk assessment, and a Senior Police Officer who is fully conversant with the intelligence and the intelligence cycle process should take the ultimate decision.

In the generic situation, the intelligence dissemination could include sending the material to other government agencies, UN bodies and trusted NGOs, to build interventions to prevent and reduce rape and sexual attacks in the IDP camps by increasing general security, and improved awareness amongst at risk groups.

The intelligence could also be used by local Police to introduce or increase preventative patrolling at key times and locations, and to target suspected offenders.

In the specific example, intelligence dissemination could include sharing intelligence with the immigration and port authorities and other government agencies, with the purpose of gathering more intelligence and, where possible, carrying out targeted arrests of certain criminals.

When intelligence is disseminated to others it must be 'sanitised' in such a way as to protect the original source.

The recipients must be required to treat the intelligence in the utmost confidence and ensure the security and safety of the source of the intelligence.

The recipients will be expected to provide a response to the use and success or otherwise of the intelligence, so as to enable the Police to reassess the intelligence and where appropriate carry out further research as per the intelligence cycle.

13.4.6 Important Considerations

For the intelligence cycle process to succeed, police managers must ensure that the right infrastructure, processes, procedures and staff are in place.

It must provide you with the capability to:

- **Filter**

  Filter the available intelligence in order to reduce the unnecessary volumes of data collected, so as to concentrate on the most relevant.

- **Focus**

  Focus intelligence collection on the most important issues, such as on the most serious crime and criminal offenders and groups.

- **Task**

  Task intelligence collection staff appropriately to achieve maximum efficiency and effectiveness, so as to reduce overlap and repetition.

- **Target**

  Target intelligence collection to make the best use of the available resources.

13.5 Intelligence Standard Records

13.5.1 Intelligence Report

Introduction

The purpose of the Intelligence Report is to capture all the information the Police receive or generate in one consistent and recorded way.

This enables any part of the a Police Organisation to build the 'bigger picture' of what is happening with regards to crime, criminality and other problems in the local, regional and national Police areas of responsibility.

Who should complete them

It is the duty of all Police Officers of all ranks and roles to report any useful intelligence this way.

Other agencies and law enforcement organisations that work with the Police should be encouraged to work to the same standard report, as this will only serve to increase the effective communication of information.

- **Standardised Report**

This should be a standardised report format that is used for the recording of all types of information, no matter what their source, such as information from:

- Crime Enquiries.
- Police Investigations.
- Undercover Operations.
- Other Law Enforcement Sources.
- Informants.
- Surveillance.
- Forensic & Scientific Sources.
- Interception of Communications.
- Any other sensitive Sources.

This is a key document in the intelligence process that should be used across the Police Service to record information in a structured way.

Once completed the report is treated as 'confidential' and is subject to careful evaluation, assessment, handling, storage and transfer procedures.

Completion of an Intelligence Report

The Officer, who first receives or has knowledge of any activity, suspicion or the results of police work, should complete the Intelligence Report.

In the first instance the Intelligence Report should be handwritten.

The Submitting Officer is only required to complete the following parts of the Intelligence Report:

- **Name**

  Full name of the person writing the report (avoid use of nicknames).
- **Date**

  The date the report was completed.
- **Report subject**

  Description of a brief subject, i.e. 'Details of vehicles used in Human Trafficking'.
- **Intelligence content**

  Summary of what intelligence is known, including details of all the pertinent points.
- **Officers Signature**

  If the report is lengthy there is a continuation form.

Accuracy

The Intelligence Report should provide sufficient detail to cover the subject reported on and should be double-checked for accuracy.

Confidentiality

Police intelligence will nearly always contain information concerning sensitive issues and therefore it must be kept confidential at all stages of its life, from first completion through to sending it to a final recipient for action or filing.

Supervision & Examination

All intelligence reports will be submitted directly to the Officer's Supervisor to check the following:

- Full completion in areas indicated earlier, including the Officer's identity and signature.
- Accuracy of specific detail, such as names, addresses, telephone numbers, vehicle numbers etc.

Evaluation

The '5x5x5'evaluation process is detailed in the next part of the Manual.

The intelligence report should only be evaluated by Police Officers who have been specifically trained in intelligence management.

If such an Officer is not readily available, the dissemination should still be made to those Officers or Units that would benefit from the intelligence.

Action & Taskings

The Supervisor or the Submitting Officer (if no Supervisor available) will make an initial decision on what to do with the intelligence, such as:

- The need for immediate or future police action.
- Passing the intelligence to other Police Officers or Units for information or action.
- Filing the intelligence as 'historical information' which may prove useful for future intelligence collection.

Such decisions and actions must be recorded on the Intelligence Report.

Urgent issues

If the intelligence is of an urgent or dangerous nature, it must be passed to a Supervisor immediately, who will decide on any police action required.

Indexing

A summary of all intelligence reports will be recorded in an 'Intelligence Source Register' (ISR) which is discussed later in this Manual.

This process will be the responsibility of those Police Officers who have received specific training.

Filing & Storage

The Police should retain a mastercopy of all intelligence reports, to include details of action taken etc., which should be physically stored and, where possible, securely stored within a dedicated Police Unit for a minimum of 12 months.

* An example of an Intelligence Report is enclosed in the Appendices to the Somali language version of this Manual.

Intelligence Report Process

As explained earlier in the Manual, for intelligence to be of any value to the Police it needs to be treated carefully and with professionalism. It needs to be subject to a clearly defined business process to ensure it is properly evaluated and is always of a consistent and high standard.

Additionally, once it has been evaluated the intelligence then needs to be put to its best possible use so as to ensure the maximum benefit to the Police in the business of combating crime and criminality.

* A flow chart depicting the Intelligence Report process in diagrammatic form is enclosed in the Chapter 15 'General Appendices'.

13.5.2 Intelligence Source Register

Introduction

The Register is designed to provide a detailed and recorded index of all Intelligence Reports received and processed.

It provides a concise and accurate record of the source, type, volume and information detail of the intelligence being generated by the Police.

The register can be researched and analysed as part of an ongoing tactical and strategic analysis, and will provide an invaluable tool when used in conjunction with other intelligence record databases.

Each Intelligence Report should be given a sequential number, and this enables the more sensitive and difficult sources to be kept secret, as the sources of all intelligence are recorded in the register but not on the actual intelligence report.

Important Considerations

The Intelligence Source Register should conform to the following conventions:

- **Format**

  The register is best recorded in electronic format (i.e. a Microsoft Excel Sheet), with suitable back up, or as a paper record in some form of book or register.

- **Security**

  The register is a vital intelligence record and it will contain information that is extremely sensitive and if stolen, illegally accessed or if its content is compromised, it will pose a serious risk to Police operations and individuals who provide sensitive information.

  It must therefore be kept safe, secure and with very restricted access within an Intelligence Unit or some other suitable location.

- **Detail entries**

  Listed below are the recommended fields for such a register:

  – Report Number.

  Sequentially recorded in the register.

  – Date of Submission.

  The actual date completed and submitted for evaluation.

  – Officer completing Report.

  Full name (including nickname), rank, police unit/station.

  – Police Station, Unit/Section.

Identity of Source.

– Full name, address and contact details.

Summary of Intelligence.

– Brief account of main elements of what is provided.

Date of Evaluation & Analysis.

– By Whom.

Full name (including nickname), rank, police unit / station.

– Action Taken.

Brief summary of what action was taken, and who the Intelligence Report was disseminated to.

* An example of an Intelligence Source Register is enclosed in the Chapter 15 'General Appendices'.

13.5.3 Intelligence Requirement

Introduction

An Intelligence Requirement is effectively a 'shopping list' of what information is required by the Police (Intelligence Gaps) in order to acquire a full or better understanding of what is happening with regards to crime and criminals.

The Intelligence Requirement is intended to be shared with other Police Officers, law enforcement agencies and other organisations.

It is designed to secure relevant information that may be known about particular types of crime and certain specific criminals or criminal groups.

It is an opportunity to work in partnership with others, and also serves a purpose in allowing joint working and the prevention or reduction of 'blue on blue' operations.

This is particularly important where differing groups of Police Officers or law enforcement organisations are targeting the same crimes or criminals.

The Intelligence Requirement can include a request for information about the following:

- **An identified Criminal**

A criminal may be suspected of being involved in certain crime activity, but more knowledge is required about his movements, his transport and his use of communications (cell phone, email etc.).

- **An identified Criminal Group**

Intelligence indicates that a number of individual criminals are planning to commit serious crime such as robbery, and more intelligence is sought to prove association, vehicle details and weapons to be used.

- **Certain types of Crime**

  Intelligence indicates that human trafficking and kidnapping of individuals over the last six months has increased, and more intelligence is required to build a bigger and more accurate picture.

- **Geographical Crime**

  Intelligence indicates a rise in reports of piracy activity in northern parts of Sool Region, in particular in the coastal area to the north east of Erigavo. More intelligence is required in order to identify criminal groups and their specific activity.

Tasking

The specific Intelligence Requirements should then be prepared and disseminated to local Police Units, Specialist Police Departments, government agencies and any other organisation of persons that may have the capacity and capability to provide relevant intelligence.

Responses

All formal and informal responses to the 'Intelligence Requirement' should:

- Be subject of a new Intelligence Report.
- Be evaluated and assessed.

Include decisions made on actions to be taken, i.e. further development, arrests etc.

- Be recorded in the Intelligence Source Register.
- Be cross indexed against any relevant Intelligence Reports.
- Be cross indexed against any relevant Operational Names/Numbers.
- Be cross indexed against the original request.

* An example of an Intelligence Requirement is enclosed in the Chapter 15 'General Appendices'.

13.6 Intelligence Report Evaluation System (5x5x5)

There are a number of intelligence processes in existence that provide a detailed method of intelligence assessment. The one recommended here is the 'UK 5x5x5' system.

This system addresses the intelligence in three parts:

- Source of the intelligence.
- Reliability of the intelligence.
- What dissemination of the intelligence should take place.

The three parts are 'scored' separately. The first part is given an individual letter from 'A' to 'E', and the second two parts are given a numerical score from '1' to'5'.

A more detailed explanation of each part of the process is explained below:

13.6.1 Source Evaluation

This concerns the reliability of the source of the intelligence, i.e., who provided the intelligence (such as a Police Officer or other law enforcement agency, or from surveillance or informants etc.).

The letter code is:

A = Always reliable
This is intelligence coming from sources who have always been reliable in the past, i.e. intelligence coming from Police Officers, law enforcement agencies, and covert sources such as direct surveillance, communications interceptions etc.

B = Mostly reliable
This is intelligence coming from sources that have been consistently reliable in the past.

C = Sometimes reliable
This is intelligence coming from sources that have been sometimes reliable in the past.

D = Unreliable
This is intelligence coming from sources that have been consistently unreliable in the past.

E = Untested
This is intelligence coming from sources that have not provided material before or from unknown sources, so the value of the intelligence has not been tested.

As can be seen from above the best source is scored at 'A' and the worst source is 'D'. Source 'E' is untested.

13.6.2 Intelligence Evaluation (Reliability of Intelligence)

This concerns the reliability of the intelligence itself, such as, is it personally known to the source, is it hearsay or could it be untrue.

The number code is:

1 = Known to be true without question
This generally relates to surveillance and communications interception material.

2 = Known personally to the source
This generally relates to what the source has seen or heard in person.

3 = Not personally known to the source but corroborated
This generally relates to what the source has not seen or heard in person (rumor etc.), but can be corroborated from other means.

4 = Cannot be judged
This generally relates to intelligence that cannot be tested for any reason.

5 = Suspected to be false or malicious

This generally relates to intelligence that has a very high probability of being false or malicious, (and that other intelligence or events support this).

13.6.3 Dissemination (Handling Code)

This concerns what to do with the report: should it be kept secret from others, should the intelligence be further developed, or should it be passed onto others for action.

The number code is:

1 = Open for general dissemination

This generally occurs when the intelligence has been evaluated as non-sensitive, and is safe to be sent to anyone who may benefit from the intelligence.

2 = Dissemination to the Police or Law Enforcement only

This generally occurs when the intelligence has been evaluated as sensitive but is sufficiently important or safe to pass on to others in the Police or law enforcement agencies who may benefit from the intelligence.

3 = Dissemination to the Police only

This generally occurs when the intelligence has been evaluated as sensitive but is sufficiently important or safe to pass on to others in the Police only who may benefit from the intelligence.

4 = Dissemination to Police Intelligence / Specialist Unit only

This generally occurs when the intelligence has been evaluated as more highly sensitive and should only be disseminated within a specialist unit.

5 = No dissemination

This is reserved for highly sensitive intelligence that should not be disseminated under any circumstances.

As can be seen from the scoring, the evaluation process is all about providing some degree of testing and provenance to the intelligence so as to give it some form of material value to the Police.

13.6.4 Example Evaluation Scores

Listed below is a selection of intelligence report evaluation scoring codes, with an explanation of the first two parts of the evaluation score (the dissemination element has not been included). These are shown for illustrative purposes:

- **A1**

This is the best possible type of intelligence, due to the score of 'A' for source (always reliable) and the score of '1' for reliability of the intelligence (known to be true without reservation).

- **B2**

This is a good piece of intelligence, due to the score of 'B' for source (mostly reliable) and the score of '2' for the reliability of the intelligence (known personally to source).

- **C3**

This is reasonable piece of intelligence, due to the score 'C' for source (sometimes reliable) and the score of '3' for the reliability of the intelligence (not personally know to source but can be corroborated).

- **D5**

This a poor piece of intelligence, due to the score of 'D' for source (unreliable) and the score of '5' for the reliability of the intelligence (suspected to be false or malicious).

- **E4**

This is a completely untested piece of intelligence, due to score 'E' for source (untested) and the score of '4' for reliability of intelligence (cannot be judged).

13.7 Key Intelligence Products

Introduction

Key to the successful implementation and effective functioning of the Intelligence System is the production and use of four Intelligence Products.

The term 'Product' is used to establish that they are 'standardised' formats that ensure that the Police work in the same way and to the same standard across the organisation.

This is critical to the success of the Intelligence System, as each of the Intelligence Products set out a systematic and detailed approach that serves to deliver common and understandable standards.

It is worth noting that the Intelligence Products are no more than a 'packaged' version of policing products that are tried and tested techniques that most police organisations use in their business.

In many cases the Police have not recognised this fact, so once the Intelligence Products are understood their implementation and use will be uncontroversial and will only serve to aid more improved and standardised Policing.

The Intelligence Products produce two important elements: first, a detailed overview of generic and specific crime and policing problems; and second, a targeted response to deal with the problems.

They are:

- Strategic Assessment.
- Tactical Assessment.
- Problem Profile.

- Target Profile

The Intelligence Products are compiled from a combination of analytical techniques and inputs from the Police, and they provide Police Managers and Investigators with the best-detailed information on how to deal with crime and other Policing problems.

13.7.1 Strategic Assessment

Introduction

The Strategic Assessment is essentially a report consolidating many sources of information concerning the longer-term issues affecting the Police around issues such as:

- Reported Crime.
- Active Criminals.
- Disorder.
- Community Safety Problems.

It is an overview of what is happening in the local area, the region and nationally, as well as the scope of and projections for crime, criminality and other policing concerns.

The purposes are to:

- Inform Senior Police Managers and policy makers.
- Support business planning.
- Enable establishment of Policing priorities.
- Facilitate the determination of resource allocation.
- Identify future threats.

General Considerations

It should be noted that this product focuses on the intelligence picture and is not intended to cover all other areas of the business (e.g. resource levels) that should be provided separately by those responsible.

The Strategic Assessment should not just consider the current priorities of the Police, but must go beyond this remit in order to determine if the control strategy needs to cover any new topics, and if previous priorities should be changed.

Format:

- The format style of the Strategic Assessment should be standardised across the organisation, so that users are better able to make use of its contents.
- The method of illustrating the Strategic Assessment will vary and may include charts, tables and graphs. However, they should be salient and clear.
- Above all the Strategic Assessment should include some explanation so that diagrams are interpreted and important issues are highlighted, in order to help inform the decision-making process.

- An executive summary is not included as it is felt that it is important that the report should be read in its entirety.

* An example of the format of a Strategic Assessment is enclosed in the Chapter 15 'General Appendices'.

13.7.2 Tactical Assessment

Introduction

The Tactical Assessment is essentially a report consolidating many sources of information concerning the immediate short-term issues affecting the Police around issues such as:

- Reported Crime.
- Active Criminals.
- Disorder.
- Community Safety Problems.

It is an overview of what is happening in a local Police area, a region and nationally, as well as projections for crime, criminality and other policing concerns.

The Aims:

- To identify the immediate and shorter term issues affecting a Local Policing Area which, with prompt action, can prevent a situation deteriorating or developing.
- To monitor progress on current business, including targeting criminals, serious crime investigation, hot spot management, and preventative measures.

The purpose are to:

- Inform Police Managers and policy makers.
- Support business planning.
- Enable establishment of policing priorities.
- Facilitate the determination of resource allocation.
- Identify future threats.

General Considerations

- It should be noted that the product focuses on the intelligence picture and is not intended to cover all other areas of the business (e.g. resource levels, sensitive operations etc.) which should be provided separately by those responsible.
- Tactical Assessments should be aggregated to help inform and build the Strategic Assessment.

Format:

- The format style of the assessment should be standardised across the organisation so that users are better able to make use of its contents.
- The method of illustrating the assessment will vary and may include maps, charts, tables and graphs.

- However, they should be salient and clear and above all, should include some explanation so that diagrams are interpreted and important issues are highlighted in order to help inform the decision making process.

* An example of a Tactical Assessment is enclosed in the Chapter 15 'General Appendices'.

13.7.3 Problem Profile

Introduction

Problem Profiles are used to compile information around generic or specific Policing problems, such as a rise in certain types of crime, the emergence of new or highly damaging crime, and problems associated with criminals or criminal groups engaging in more serious crime and dangerous crimes.

Aims:

- To provide a detailed, clear and unambiguous intelligence profile of crime series, criminal behaviour and related problems.
- To assist in the progression of the Problem Profile by interpreting the best courses of action and including proposals to fill identified intelligence gaps and to take action to disrupt criminal activity by the arrest or other forms of preventative action.

Purpose:

- To assist in prioritising problems.
- To enable operational Police management to make resourcing decisions.
- To guide investigations and shape plans.
- To highlight prevention, reduction or diversion opportunities.
- To inform partnership working.
- To maintain supervision.
- To aid target identification/selection.
- To focus intelligence gathering.

General Considerations:

- Problems must be selected on the basis of sound intelligence.
- All problems should be of a serious/high risk nature and should be concerned with a growing crime series or active criminal group.
- The problem must be current.
- Problem Profiles may result in the identification of specific individuals on whom it is appropriate to compile a Target Profile.
- However, this does not mean that Target Profiles will always be prepared as a result of Problem Profiles.
- A Problem Profile is a living document and should always be kept up to date while the problem is being worked on.

Format

- The format style of the assessment should be standardised across the organisation so that users are better able to make use of its contents.
- Charts and tables may be used in presenting Problem Profiles.
- However, they should be salient and clear and above all should include some explanation so that diagrams are interpreted and important issues are highlighted in order to help inform the decision-making process.

* A Problem Profile form is enclosed in the Chapter 15 ‘General Appendices’.

13.7.4 Target Profile (Intelligence Package)

Introduction

The Target Profile is a report which contains as much intelligence as possible on all things that are known about a criminal or criminal group, and is commonly known as an ‘Intelligence Package’.

In this document criminals are normally known as ‘Targets’ so as to immediately focus the attention of the document on ‘targeting’ the known or suspected offenders, with a view to causing their arrest or using other methods to disrupt their criminal activity.

Aim:

The aims of Target Profile include:

- To provide a detailed, clear and unambiguous picture of the intelligence assembled to on Targets associated with a specific or planned Police operation.
- To assist in the progression of the Target Profile by interpreting the best course(s) of action, and including proposals to fill identified intelligence gaps on what is not known about the targets.

Purpose:

The purpose of the Target Profile includes:

- To assist in prioritising the Targets.
- To enable operational management to make resourcing decisions.
- To guide investigations and shape plans.
- To highlight prevention, reduction or diversion opportunities.
- To maintain supervision.
- To focus intelligence gathering.

General Considerations:

- Targets must be selected on the basis of sound provenanced intelligence, assisted by the use of intelligence analysis techniques and covert policing methods.
- All Targets should be a serious/high risk offender and/or be responsible for a serious crime.

- They should be persistent offenders, and there should be current intelligence concerning their criminal activity or intent.
- A target profile is a living document and should always be kept up to date while the individual is being worked on.

Format

- The format style of the assessment should be standardised across the organisation so that users are better able to make use of its contents.
- Charts, tables and pictures are useful methods to illustrate a Target Profile.
- However, they should be salient and clear and above all should include some explanation so that diagrams are interpreted and important issues are highlighted in order to help inform the decision-making process.

* A Target Profile form is enclosed in the Chapter 15 ‘General Appendices’.

13.8 Intelligence Research

Introduction

This subject is additional to the section on Criminal Intelligence, and concerns the more general trawl for information that may assist the Police in dealing with crime and criminals.

The more generic information can be just as valuable to the Investigator, and can be developed to provide background material for criminal investigations.

Police Information can be generally explained as data:

- Verbal (Oral).
- Written.
- Printed.
- Broadcasted.

That may provide some value to the Police in the performance of their organisational or individual duties.

Information can be collected, evaluated and analysed to provide Police with a clear understanding of local and national issues concerning public and community safety.

There are many sources of information available to the Investigator and the extent of availability is only constrained by the human mind.

Information can be generally classified as belonging to two distinct groups: open and closed source.

13.8.1 Open Source

This type of information is generally freely available to everyone and examples are:

- Local rumor & gossip.

- Posters.
- Newspapers & Magazines.
- The Media (Radio & Television).
- Material in Libraries.
- The Internet (Web, Social Networking sites etc.).

13.8.2 Closed Source

This type of information is normally restricted in some way, perhaps to a particular group or organisation. The restriction can originate from a legal requirement, or from its provenance in the private affairs of an individual, a business, organisation or government bodies.

To gain access to the information may necessitate going through some form of application or legal process.

There also instances where it is known that information exists but that it may not be possible to access it due to legal or secrecy constraints.

Examples of closed source information:

- Private & personal records kept by the individual.
- Business records, such as customer records, billing & account information.
- Organisational records, such as membership of organisations, academic qualifications, achievements and other relative data.
- Government records, such as birth, marriage & death information, tax details, personal medical histories.

13.8.3 Information Collection

During the life of a specific investigation, the Investigator should always consider developing an ‘information collection plan’.

This is a complex term for a shopping list, and should concentrate on providing the Investigator with as much background information around the wider aspects of any investigation, such as:

- Information about a particular area or problem.
- Information about certain types of activity or reported behavior.
- Information about persons, groups of people or communities.

Such information will enable to the Investigator to acquire a greater understanding of local issues and to be able to target further information collection.

13.8.4 Information Content

Information must be accepted for what it is. It is generally uncorroborated information that may be untrue, partially or completely accurate, or unsubstantiated, and should therefore must be treated with caution.

- **Covert Sources**

This area differs from the others described, in so much that it is information that is derived from 'sensitive sources', and normally consists of information that is generally more specific to a person, group or event.

This type of information can either be offered to the Investigator, or it may be sought out as part of a specific information collection process.

Sources of such information can include:

- Confidential Contacts
- Investigative Reporters
- Crime Stoppers (confidential public 'hotlines')
- People wanting to provide sensitive information about crime/criminals
- Police Informants
- Undercover Police

Confidentiality

All information collected or provided to the Investigator needs to be kept in confidence and must be securely stored.

This is of significant importance when dealing with information from sensitive sources.

13.9 Tasking and Co-ordination

Introduction

One of the most important elements of any effective criminal intelligence system is the tasking and coordination process (T&C).

The main aim of this process is to achieve maximum impact in the use of intelligence to prevent crime and disrupt criminal activity.

13.9.1 Tasking

In the intelligence context, 'tasking' is the allocation of orders that are designed to ensure that certain elements of work are completed in a particular order.

Each order or 'tasking' normally contains sufficiently detailed instructions to enable the order to be accomplished successfully.

For example, during the development of intelligence on a criminal group involved in a serious crime such as terrorism, one such 'tasking' may be directed to securing further intelligence on:

- Where the criminals store their weapons.

- How they transfer cash between members of the group.
- What vehicles they use etc.

The results of the 'taskings' then need to be collated and assessed in order to decide as to immediate and future Policing actions.

13.9.2 Coordination

In the intelligence context, 'coordination' is the management, direction, synchronization, integration and timing of intelligence activity to achieve a desired operational objective, or where necessary to amend objectives to reflect operational reality.

It also includes management command and control structures to ensure that the Police resources are used most efficiently in pursuit of the specific objectives.

For example, in the terrorist scenario described above, coordination of the intelligence gathering activities will be crucial to ensure that:

- **Urgent Activities**

The most critical and urgent intelligence is gathered first.

- **Intelligence Direction**

Each item of intelligence is evaluated and assessed in order to drive further intelligence gathering activity.

- **Security & Risk**

Potential risks are continuously assessed to ensure personal or operational safety are not compromised.

13.9.3 Important Issues

To do this the Police must have a good view of the real nature of the policing problems they face and have an informed and effective process that drives forward decision making, such as:

- **Identifies policing priorities**

For example, the Police may have intelligence on a number of criminal groups who are committing, or are planning to commit, various types of crime, ranging from theft of livestock to rape. This intelligence will assist in identifying Policing priorities.

- **Determines resources required**

In the above example, resources needed to investigate rape and /or the livestock thefts could be determined.

- **Decides on action to be taken**

The Police need to decide on which type of crime to pursue. In this example, rape is the logical priority, but the theft of livestock may have a similar priority because if it is not investigated, this could escalate to major disorder and murder.

The tasking and coordination process is that mechanism and the meeting is the pivot of the process.

13.9.4 Tasking and Co-ordination Meetings

In order to deliver the tasking and coordination process it will be essential to hold meetings that will facilitate the process. These should have a set structure and should be held as follows:

- **Regular Meetings**

These should take place on an agreed date, time and the frequency and should be daily/weekly or other similar period which reflects the nature of the intelligence gathering operation.

- **Urgent Meetings**

For example, in the rape or terrorist scenarios, critical intelligence may dictate the need for urgent decisions and therefore a tasking and coordination meeting should be held at the earliest opportunity.

13.9.5 Management of Meetings

Due to the very nature of the tasking and coordination meetings (i.e. the planning and management of Police operations), the sensitive nature of the intelligence, and the overall potential risks, it is essential that a Senior Police Officer manages the meetings.

This Officer must have the delegated responsibility to be able to make urgent operational decisions and must have a full understanding of the intelligence process.

It is also important that this Officer ensures that all aspects of the intelligence operation are subject to:

- Direct Supervision.
- Operational Control.
- Operational Assessment.
- Procedural Review.

13.9.6 Record of Meetings

The tasking and coordination meetings (regular & urgent) should follow a preset format in order to systematically record the content of the meeting. This is essential so as to record the progress of the Police operation, and to provide the following:

- Current Operational Priorities.
- Outstanding Taskings.
- Summary of Existing Intelligence.
- Summary of New Intelligence.
- Operational Decisions.
- New Taskings.

13.10 'Model' Criminal Intelligence System

Introduction

In order to deliver an effective and working intelligence system, it is essential that a detailed record is kept of all the elements of such a system, for example:

- **Intelligence Products**

  All intelligence products, such as strategic and tactical assessments, problem and target profiles.

- **Intelligence Reports System**

  All intelligence reports.

- **Intelligence Source Registers**

  Record of all actions, decisions, taskings and the results of the use of intelligence material.

- **Police Operations**

  Details of all past, current and proposed police operations.

- **Criminal Records**

  Nominal record (names, addresses, description etc.) of all known and suspected criminals and criminal groups.

- **Crime Records**

  Details of all reported crime, including results of investigations.

- **Stop & Search Records**

  Detail of persons, vehicles, locations etc.

- **Arrest & Prosecution Records**

  Detail of persons arrested, results of investigations, court prosecutions and convictions.

- **Vehicle Registration Database**

  Vehicle description and ownership details.

- **Forensic Records**

  Detail of fingerprints, DNA and any other forensic samples taken from suspects on arrest.

- **Nominal Indices**

  Cross indexing system, capable of being searched, which records all individual items of identifiable information, such as names, addresses, dates of birth, dates and locations of crime, vehicle registration numbers, cell phone numbers, email addresses etc.

Storage

Ideally such systems should be stored in digital format in the form of electronic records and databases. This ensures that the information is easy to keep in a safe and secure environment.

However, the lack of an electronic capability does not in itself hinder the creation of an effective intelligence system.

Access and Searching

Whatever the system, it must be capable of being searched by those Police Officers who have legitimate and authorised access.

Searching is vital at all stages in a reactive criminal investigation for the development of intelligence which has the potential to target criminals and criminals groups who are actively committing or planning crime.

13.11 'Existing' Somaliland Criminal Intelligence System

In the context of Somaliland a number of records currently exist that already form the basis of a criminal intelligence system. These are:

- **Occurrence Books (OB)**

  All Police Stations, and some Headquarters Units, in Somaliland maintain an OB book and these contain details of crimes / incidents that are reported to the Police. This includes details of victims, suspects and in some cases details of follow up investigations.

- **Crime Registers**

  Some Police Stations and Headquarters/Specialist Units also maintain a crime register, which records more specific information about the crime and the investigation than the OB Book.

- **Prisoner's Property Registers**

  Some Police Stations and Headquarters/Specialist Units also maintain a prisoner property register, which records details of property taken from persons who have been arrested.

- **Daily/Weekly Reports**

  Some Police Stations and Headquarters/Specialist Units also prepare and publish daily/weekly reports.

- **Prosecution Case File Reports**

  All investigations submitted to the Attorney General's Office for prosecution include a case file report that contains details of victims, witnesses and suspects.

- **Criminal Fingerprint/Antecedent Records**

  A small number of fingerprint forms, which include a brief description and history of the suspect, are taken by staff at the Criminal Records Office.

Chapter 14
Covert Intelligence Techniques

14.1 Introduction

Serious crime and organised criminality corrode civilised society, and the Police must seek to take proactive action in order to combat these issues at a number levels:

- To mitigate the effects of criminal behaviour and violent disorder which degrade environments and diminish the quality of life.
- To mitigate the damage done to the administrative, financial and business infrastructure of society by the corruption of legitimate authority and business activity.
- To mitigate the damage done to public confidence in the criminal justice system and to the rule of law by those who:
  - Intimidate or suborn witnesses.
  - Promote the corruption of Police Officers.
  - Exploit weaknesses in national and international jurisdictions.
  - Seek to discover and disable advances in investigative techniques.

It must be stressed that this part of the Manual is intended as a general introduction to each of the subjects in order to give the Investigator a reasonable understanding of the covert intelligence techniques that are available.

Each of the subjects are very demanding, and to maximise the chances of the techniques being successful Police Officers need to be given the right level of specialist training, management and technical support.

14.2 The Intelligence Requirement

The challenge offered to the Police is to design and sustain, within the rule of law, preventive and investigative techniques that meet the requirements of each of the described levels.

The key to effective Police enforcement is the ability to describe and analyse the nature of the criminal problem.

Such a description and analysis are products of the effective collection of intelligence.

The tackling of serious crime and organised criminality requires:

- That criminal motivation be understood.
- That the extent of the networking, organisation and interdependence of individual criminals and criminal groups be capable of description, and that their strengths and weaknesses be understood.
- That the methods of criminal businesses and their market positions be similarly described and understood.
- That the Police build and deploy the capability to identify and exploit intelligence and investigative opportunities to disrupt and dismantle criminal groups.
- That the Police stay abreast of the development of criminal tactics in both the commission of crime, and attempts to frustrate Investigators and the courts.

In the face of criminals' determination to protect their criminal activity from exposure, the collection of intelligence demands the application of both overt and covert intelligence techniques.

In the face of sophisticated attempts by determined criminals and those bent on violent disorder to disable investigation, the Police must consider it essential to be able to continue to collect evidence through use of the same covert techniques.

Indeed, internationally, the use of covert techniques is now a major component of operations targeting criminals at all levels.

The 'techniques' to which this part of the Manual refers are:

- **Use of Informants and Sources**

  That is the ability to gain vital targeted information about the activities of criminals and criminal groups by the use and deployment of Informants and Sources, in order to secure arrest or initiate other disruptive tactics.

- **Human and Technical Surveillance Operations**

  That is the ability to monitor the movements of active criminals by watching or listening in person and electronically, in order to provide the best available evidence of their participation in crime.

14.3 Ethical & Integrity Issues

The Police are committed to standards of conduct in covert operations that accord with the requirements of the various Conventions and Declarations on Human Rights. They will:

- Only carry out proactive operations (targeting) against individuals or groups where justified on the grounds of 'reasonable suspicion'.
- Ensure that all such operations are appropriately authorised and that the grounds for authorisation are recorded.
- Ensure that the information or evidence collected during such operations is properly recorded.
- Ensure that information about individuals is only retained, and access to it only given, where a legitimate need can be established.

The following specific commitments to standards give effect to the fundamental ethical precepts set out above:

- **Justification**

  The Police establish 'sufficient cause', based on a suspect's previous criminal history or on reasonable suspicion of criminal activity or association, before collecting and recording personal information on the suspect in intelligence systems.

- **Proportionality**

  The 'covert techniques' referred to in this Manual will be applied only where criminal activity is sufficiently serious to justify the degree of intrusion into privacy which the techniques involve.

- **Necessity**

  The 'covert techniques' referred to in this document will be applied only where it appears that what the action seeks to achieve could not reasonably be achieved by other means.

- **Accuracy**

  The provenance, accuracy and value of such information will be assessed and recorded, subject to the proviso that, where a requirement to protect a source's identity arises, access to source identity may be restricted.

- **Review**

  Where authorisation is given to target an individual or group for the collection of intelligence or evidence,that investigation will be subject to appropriate reviews of the requirement to continue.

- **Security**

  Personal information recorded in intelligence systems will be maintained in such a manner as to ensure security and prevent unauthorised disclosure.

- **Integrity**

  Information recorded in digital format will be stored in such a manner as to prevent unauthorised manipulation of the data.

14.4 Informants and Sources

Introduction

Informants and sources are a vital part of Policing. When correctly used they can provide intelligence that is focused and targeted at the heart of criminality.

The Police should encourage the majority of people, to provide local information about the problems encountered in their day-to-day lives.

This also applies to local government, businesses and other parts of the commercial community.

Some people will become victims or witnesses in crime and other matters, and the normal investigation process will capture their information.

These groups of people do not seek or have an expectation that their identities are kept confidential, and are commonly called 'sources'.

Information from such a wide variety of sources is best processed and administered by the receiving persons entering it onto an 'Intelligence Report'. The identity of the source and the content of the information will be transparent.

An Investigator or Senior Police Officer will make an assessment and evaluation of the information, and then pass it onto any part of the organization that would benefit from the knowledge the report contains.

Alternatively, the Investigator may retain the information for further research and development and may consider creating a further tasking to improve the knowledge of the information provided.

14.4.1 Informants & Contacts

Other groups of people provide information under the expectation that the Police will keep their identities, the nature of the information, and their activities, secret.

They generally provide more sensitive information about criminal activity so it is vital that the Police treat this group with a high degree of confidentiality and sensitivity.

This group can be sub-divided into two categories of persons:

- **Occasional Contacts**

  These people expect that their identities are kept secret and will occasionally provide information about criminal activity, but importantly they will have no expectation of receiving any form of benefit, financial or otherwise.

  Additionally the Police will not normally task them with providing more information by engaging with any criminal group.

  For example, information is received from a contact about the criminal activities of a group planning to commit an armed robbery at a bank.

  The contact used to be in a relationship with one of the men and overheard them discussing the planned crime. The contact no longer has any direct involvement with the group and can provide no further information.

- **Informants**

  These people expect that their identities are kept secret and will provide occasional or regular information on criminal activity, with the full expectation that they will benefit from their activity, such as payment of money or the provision of other benefits by the Police.

  They may also be motivated by revenge, jealousy or intend to use the information they provide to enhance their power or influence over others.

  It is highly likely that they are personally involved in unlawful activity and they therefore require significant control.

For example, information is received from an Informant concerning the criminal activities of a group planning to attack and rape women in local IDP camps.

The Informant is not involved in planning or committing the attacks, but has been employed by the criminal group to act as their 'driver'. The Police will need to retain the Informant and task them in order to acquire more information that can be used to collect sufficient evidence to arrest the group.

14.4.2 Types of Informants

Informants come in all shapes and sizes and can be sub-grouped as follows:

- **Basic Informant**

  Usually a friend or acquaintance of a criminal with any number of possible motives who is most useful and accurate at revealing the whereabouts or geographical location of persons, vehicles or property.

- **Participating Informant**

  Usually an informant who, with Police direction, continues to play a 'minor part' in planning or committing crime in order to allow the Police to acquire evidence and bring about the arrest of the criminal group.

- **Covert Informant**

  Usually someone deep inside a criminal group who has a grudge or other issue against the group and wants to provide information over a period of time as long as their identity is protected and they are given a financial reward or other benefit.

- **Accomplice / Witness Informant**

  Usually a co-defendant in a criminal case who agrees to testify for the prosecution and / or do one last undercover operation for the Police against the criminal group in return for a more lenient prison sentence.

- **Dangerous Informant**

  Usually informants who have been providing information to the Police and are now suspected of giving false or misleading information, motivated by their involvement in the criminal group they are associated to, which is designed to disrupt or frustrate the investigation of crime.

14.4.3 Status and Control of Informants

Use of informants is a legitimate technique by which the Police can proactively target criminal groups, and can therefore have a considerable impact on Policing.

This impact can be both positive (that is, evidence is acquired which results in the arrest of criminals), and negative (where the Informant is exposed or becomes dangerous and the criminals evade arrest).

It is therefore vital that Informants should be regarded as a 'Police Asset' and managed and controlled accordingly.

They must be under the direct control of the Police and all their informant activity should only be undertaken with the express authority and direction of a Senior Police Officer.

14.5 'Model' Informant Management System

Introduction

In order to control and manage informants, and to deliver an effective means of protecting the use of such resources, it is important that the Police develop and introduce an Informant Management System.

Such a system is critical in order to protect the Police when deploying such resources, and also to ensure that:

- **The Informant is managed safely**

  This includes ensuring the safety of the Informant when coming into contact with the criminal group, and the safety of the Police Officer who is managing the Informant.

- **The Informant is tasked appropriately**

  This means that the Informant is tasked by the Police to acquire certain targeted information in a particular way.

- **The Informant is debriefed**

  When the Informant meets with the Police to provide the information they must be subject to a proper debrief to ensure all the information they hold is recovered.

- **The Information acquired is recorded correctly**

  Information received from the Informant is recorded in the correct manner in a safe and secure way.

- **The Information is acted on accordingly**

  Information received from the Informant is evaluated, assessed and - where appropriate - acted upon.

Such a system should comprise the following key phases and components.

14.5.1 Recruitment of Informants

Informants should be recruited in a structured way and should be subject to an evaluation and selection process.

Generally there are two methods of recruitment:

- **Reactive**

  Persons may come forward as a result of being arrested for a crime and are looking for help. They may be a disgruntled member of a criminal group and are looking for revenge, or they may be someone who has inadvertently come into contact with a criminal group and wants to help the Police take some form of action.

- **Proactive**

  This is where the Police cultivate persons who are involved in a criminal group with the intention of recruiting one or more of them to provide information.

The process of recruitment will of course be dependent on which type of recruitment takes place.

In any event, the Police Officer coming into contact or recruiting the Informant should make a request to formally register the Informant to a Senior Police, maybe an existing Informant Coordinator, who will make the decision.

In order to make that decision the following factors need to be considered:

- **History and background**

  The personal history of the Informant, such as previous criminal record, current criminality, previous history as an Informant, nature of relationship to a criminal group etc.

- **Status**

  Are they an adult, child, mentally infirm etc.

- **Motivation**

  Financial, revenge, retribution etc.

- **Risk / Threat**

  Too involved in criminality, potential dangerous informant, uncontrollable and / or unpredictable.

14.5.2 Registration of Informants

Once Informants have been authorized, their personal details must be recorded in a Personal Informant File. These must be kept in a very secure location under the direct control of a nominated Senior Police Officer, ideally in the role of 'Informant Coordinator', which is explained below.

Anonymity - At this point the Informant must be given a pseudonym, or cover name, to ensure their true identify is kept secret and secure.

14.5.3 Management of Informants

The management of the Informants must be undertaken in a structured way so as to ensure they are kept under control, their safety is managed, the information is kept secure, and Police accountability is maintained.

In order to achieve this structure a number of key roles and responsibilities should be introduced:

- **Informant Handler**

  Ideally this should be undertaken by the Police Officer who recruited the Informant and they should be directly responsible for meeting with Informant when needed.

They will be responsible for recording what information the Informant provides, as well as 'tasking' the Informant, and directing what actions they should take to acquire further information.

- **Informant Controller**

  This role should be undertaken by an experienced Police Officer, maybe of a higher rank than the Handler, who has direct knowledge of the Informant.

  The Controller's responsibility is to provide direct support to the Handler, to ensure their operational safety, to assist in meetings with the Informant and to manage the information that is recovered from the Informant.

  They will also provide continuity if there is an urgent need to contact the Informant in the absence of the Handler.

  They should also be responsible for managing payments to the Informant and the giving of other prior agreed benefits.

- **Informant Manager**

  A Senior Police Officer who is not directly involved in the day-to-day management of the Informant should undertake this role.

  The Manager's responsibilities should be to provide overall management oversight of the Informant Management System, including authorising meetings between the Informant and the Handler / Controller and authorising payments and the giving of other benefits.

  They should also be responsible for deciding what 'taskings' should be given to the Informant, after consultation with the Handler and Controller.

14.5.4 Contact with Informant

The Informant Handler and Controller will be the only persons to meet with, call by telephone, or otherwise contact the Informant. This is to ensure the informant identity is kept safe and to reduce the risk of operational compromise.

All pre-planned meetings with the Informant will only be undertaken where the Informant Manager has given authority.

In urgent cases the Handler / Controller will meet with the Informant, but they will inform the Informant Manager at the earliest opportunity, who will give retrospective authority.

The Informant Manager will under no circumstances contact or deal directly with the Informant.

14.5.5 Record of Meetings

All meetings and contacts with an Informant should be recorded by the Handler / Controller. In the first instance they should be recorded in a Police Pocket Notebook.

A separate 'Informant Meetings' record should be used. This should contain details of the time and date of the meeting and who was present. The information recovered from Informant should not be recorded in this record. The record should be kept safe and secure.

14.5.6 Recording Information

The Handler who is responsible for the Informant or Contact will enter all the relevant information received onto an 'Information Report'.

Details of the Report will be entered into the 'Intelligence Source Register', which is explained in the Intelligence Function part of this Manual. ***The identity of the source will be kept secret and not entered on the report.***

14.5.7 Managing Information

The Handler will hand the 'Intelligence Report' at the earliest opportunity to the Informant Manager for evaluation and analysis of the report.

** It is recommended that the Intelligence Report is subject to the evaluation process described in Chapter 9 of this Manual.*

The Manager will be responsible for deciding what to do with the information, in consultation with the Informant Controller, such as:

- **Taking immediate enforcement action**

  This could include arrest operations, searches to recover evidence, and implementation of roadblocks.
- **'Tasking' the Informant to acquire more information**

  This could involve 'tasking' the Informant to get more information about the times, dates and locations of planned crimes.
- **Disseminating the Information**

  This could involve sending the information to other Police Units or law enforcement agencies that may have a specific use for it.
- **Retaining the Information**

  Keeping the information for general record purposes, for further research or as part of building a profile on a criminal or criminal group.

14.5.8 Payment to Informants

The process of paying Informants, or giving them other benefits, should be subject to a decision-making process decided upon by a Senior Police Officer.

It should be 'results' based and also designed to reflect the commitment of the Informant and the risks they undertake to get information.

14.6 Surveillance Methodologies

Introduction

Surveillance is the covert collection of information, intelligence and evidence about the activities of criminals, criminal groups and their associates. These groups are normally referred to using the generic term 'Targets'.

Surveillance is clandestine in nature, requires the use and deployment of sensitive Police resources, and can be highly dangerous.

However, it is probably the best and most effective technique of proactive Policing when deployed effectively.

The purposes of surveillance can be manifold and include:

- Identify the movement and lifestyle of Targets.
- Identify their associates and meeting places.
- Collect evidence of the conspiracy, preparation and planning stages of crime.
- Cause the arrest of Targets during the actual commission of crime.
- Secure evidence from Targets at any time after the crime has been committed.
- Testing the veracity of Police Informants.

Surveillance can be undertaken in a number of different ways such as:

- **Physical Surveillance (Human)**

  This involves the deployment of specialist Police Officers to observe and record the activities of Targets, normally in a static, foot or mobile environment.

- **Electronic Surveillance (Technical)**

  This involves the deployment of technical means to observe and record the activities of targets, normally using a range of technology such as GPS tracking, monitoring devices for audio and visual recording.

Most operational deployment will involve a mix of both human and technical forms of surveillance.

14.7 Physical Surveillance Types

Physical surveillance is the most common form used by the Police, and normally requires little in the way of specialist technology. It is normally sufficient to be undertaken by trained Police Officers using support aids such as binoculars and cameras to record information and cell phones to permit communication.

The types of surveillance can be sub-divided into the following categories.

14.7.1 Static Surveillance

This type of surveillance is the most simple to set up and use, and consists of the establishment of an 'Observation Post' near to where the Targets of the surveillance are expected to be.

It must be remembered that the surveillance will only be able to collect information within a relatively short range, and is not designed to deal with occasions when the Targets move out of this range.

In practice this type of surveillance requires a minimum of two Police Officers: one to carry out the observations and the other to record the information.

14.7.2 Foot Surveillance

This type of surveillance is the next level above static and comprises a number of specially trained Police Officers who are deployed to follow Targets on foot.

This is normally in open public spaces, but is sometimes in premises and enclosed buildings.

This includes following Targets in a variety of situations, including when they use public transport, such as buses and taxis.

In practice this type of surveillance requires a minimum of three Police Officers, two to follow the Targets in rotation, and a third as reserve and record keeper.

14.7.3 Mobile Surveillance

This type of surveillance is the most difficult as it involves deploying specially trained Police Officers in vehicles, such as cars and motorbikes, to follow the Targets.

It is very demanding and needs careful planning and control to deal with the dynamics of vehicle movements on public roads.

It is especially difficulty when Targets become unpredictable or employ counter-surveillance techniques.

In theory, it is possible to undertake this surveillance with a minimum of two vehicles with a total of four Police Officers, one driving each vehicle and the other record keeping.

In practice, in most operational surveillance operations, especially in cities or open countryside, it has been found that it is necessary to deploy up to six vehicles including motor cycles.

14.8 Technical Surveillance Types

This is a difficult area to cover because of the ever-changing nature of technology, but in principle it involves the following categories:

14.8.1 Tracking Devices

These normally comprise electronic devices that can be deployed and used to track a Target in person, or when they are travelling in vehicles.

These devices need to be 'covertly' placed on or within the Target person, or in the case of motor vehicles fitted to some part of the bodywork or interior.

This is a very complex science and should only be undertaken by those who have received specialist training and have access to the right technology.

14.8.2 Listening Devices

These are similar to the previous devices but include the capacity to not only track the Target, but also to listen to and record their conversations.

As per tracking devices, they need to be 'covertly' deployed and again it is a very demanding technique.

14.9 Planning Surveillance Operations

Introduction

The decision to deploy surveillance as an intelligence and investigative technique normally only occurs in the investigation of serious crime.

This is for a number of simple reasons. Firstly, it is a costly and resource intensive technique, and secondly, by its very nature serious crime is normally committed by more sophisticated and determined criminals.

That said, in reality surveillance deployment is ultimately a decision for Senior Officers and Investigators.

Surveillance operations normally consist of a number of interlinked phases.

14.9.1 Legal Authority

It is essential that before embarking on planning and deploying surveillance as a covert intelligence and evidence gathering technique, the Investigator needs to consider the issue of legal authority.

In most parts of the word specific laws exist which restrict and control the use of covert intelligence techniques, of which surveillance is a part. This includes very stringent control and authority processes.

In the context of Somaliland no such laws exist. The evidence provisions of the Criminal Procedure Code do not expressly forbid covert evidence gathering.

In practice the Investigator should seek prior authority from Senior Police Officers, prior to the use of covert techniques.

14.9.2 Preparation

- **Examining the Information / Intelligence / Evidence**

  In any serious crime investigation, there will normally come a time when an Investigator needs more sensitive information about the activities and associates in order to better progress the investigation.

  During this process the Investigator will identify gaps in knowledge that it is vital to fill in order further the investigation. This may include identifying the whereabouts of certain criminals, where they meet and plan, where stolen property or weapons are hidden.

  It is at this point in the investigation that it becomes clear to the Investigator that more specialist techniques are required to achieve investigative objectives.

- **Establishing the ultimate objective**

  Once a decision has been made to use surveillance, the Investigator must decide what the objectives of this phase of the investigation should be, for example:

  – To identify a location where Targets are storing stolen property or weapons.
  – To identify a location where the Targets are living, in order to effect an arrest operation.
  – To follow Targets on the way to commit a crime to effect an arrest operation.
  – To follow Targets after a crime has been committed to rescue victims.

- **Considering the risk factors**

  Once the objectives of the surveillance operation have been agreed the Investigator then needs to consider the risk factors, to include:

  – Is it safe to carry out the surveillance. For example, are the Targets in possession of weapons.
  – Is the area in which the surveillance is planned in anyway hostile.
  – How sophisticated are the Targets, are they likely to use counter-surveillance techniques that may be dangerous.
  – What effect will the surveillance have on the wider investigation if something goes wrong or the surveillance is compromised.

14.9.3 Operational Security

In order for any Police Operation to be successful, one of the key elements in delivering this is the imposition and control of a strict protocol to control all the security aspects of the operation.

The Investigator must adopt some form of security protocol, which includes using the ‘Need to Know’ principle that means that only those Officers that need to know details of the operation should know.

This means that the Investigator should carefully control the whole investigative environment which includes:

- **Information Security**

  All information, intelligence, evidence and supporting paperwork must be kept under strict control. When in use it should be protected from unlawful disclosure, and when in storage it should be in a secure location.

  All meetings and discussions concerning the investigation must only conducted in secure locations and only in the presence of those staff who the Investigator decides need to be there.

- **Physical Security**

  The Investigator should ensure that all locations and premises used for the investigation should have some form of security, such as the ability to lock doors, restrict access, and control the movement of people and things.

14.9.4 Operations Planning

At this point in the process the Investigator must now develop a strategy in order to prepare for the actual deployment of a surveillance operation. The best way to do this is through the creation of a written 'Operational Plan', which should include the following:

- **Information**

  What is the primary source of information which indicates that the surveillance is necessary and what it is likely to observe.

  For example, information from an Informant indicates that the Targets are meeting in a hotel prior to them travelling to a nearby bank to carry out an armed robbery.

- **Intention**

  This must clearly state the intention of the surveillance operation and what it hopes to achieve.

  In the above example, the intention will be to carry out static observations on the Targets' home addresses and the hotel to watch the Targets, and then to effect their arrest as they arrive at the bank.

- **Method**

  This should carefully detail how the actual operation should be conducted, the parameters of the surveillance, the methods to be used, and the differing responsibilities of the surveillance and investigating Police Officers.

  In the above example, the methodology would state that the surveillance Police Officers would be responsible for observing the Targets up until the point that they reached the bank. At this point, the investigating Police Officers would be responsible for carrying out the arrests.

- **Administration**

  This should detail the administrative side of the operation and should include such issues as who is responsible for preparing the written plans, who will be responsible for the recovery and recording of evidence, what types of records should be used.

- **Risks**

  This should include a written appraisal of the potential risks involved in running the operation, as covered earlier in this Manual.

  This should be followed by a summary of what actions can be taken to mitigate or remove the risks involved.

  In the above example, from the information received from the Informant, it is believed that the Targets will be in the possession of firearms, therefore the Police should must also possess firearms, perhaps using specialist Police such as the SPU, and they must also reduce this risk to the wider public by effecting the arrest of the Targets before they commit the full attack on the bank.

- **Communication**

  This part of the plan should detail what communication methods will be used by the Police during the operation, such as the use of verbal messages, physical signs, radios and cell phones.

  If the Police have access to personal radios, all those involved should be issued with personal call signs and radio discipline needs to be documented.

  If these are not available an alternative methodology may be the use of personal cell phones and again some form of phone discipline should be detailed.

14.9.5 Operational Deployment

- **Reconnaissance**

  In order to decide which types of surveillance to deploy and in what way, it is necessary to carry out a reconnaissance of Target premises, vehicles, meeting places etc.

  This is not part of the actual surveillance operation but is designed to give Police Officers the opportunity to establish the surveillance environment, such as observation points, entry and exit points, areas of potential danger etc.

- **Covert Entry**

  During or following the reconnaissance phase, it is sometimes necessary to gain ‘covert’ entry to a building, vehicle or other place in order to either look for intelligence of criminal activity or setting up technical surveillance devices.

  This is an especially sensitive part of Policing and requires significant technical skills if it is to be undertaken successfully and without discovery.

It is normally only reserved as a technique in the investigation of serious crime where other means have been tried and have failed. In most parts of the world the use of this type of technique is subject significant legal controls and operational constraints. It is not intended to expand on this issue in the context of this Manual.

14.9.6 Briefing

At various stages prior to the commencement of the operation the Investigator must prepare and carry out a briefing of all the Police Officers who will be involved in the operation.

Dependent on the nature of the operation it may be necessary to have a number of separate briefings.

For example: briefings may include a covert briefing with those Officers managing covert sources such as Informants, a covert briefing for the Surveillance Officers and a general briefing for all the Officers involved in the operation.

During the briefing all aspects of the Operational Plan should be discussed, and detailed responsibilities should be explained, reinforced and understood.

14.9.7 Operational Control

During the live operation there must be a clear chain of command and well-defined and understood responsibilities.

Listed below, as an example, are suggested roles involved in a complex combined surveillance and arrest operation involving armed Targets:

- **Overall Commander**

  This should be the Senior Officer involved in the operation. They will be responsible for deciding what actions to take, when, in what order and to what effect.

- **Surveillance Commander**

  This should be the Officer who is in charge of the surveillance aspect of the operation and they should be responsible for decisions which manage and affect the surveillance phase.

- **Firearms Commander**

  This should be the Officer who is in charge of armed Police Officers and they should be directly responsible for the use of firearms in response to the threats from the Targets.

- **Arrest & Interview Teams**

  When the operation is intended to cause the arrest of the Targets, or where this may happen as an result of the surveillance phase, it is recommended that certain Police Officers be designated as being responsible for the arrest and follow up interview of the Targets.

- **Search Teams**

  It is advisable to also put in place Police Officers who are given the responsibility to conduct all searches of premises and vehicles following the arrest of the Targets.

- **Evidence / Exhibits Teams**

  One of the most important elements of a successful operation is the ability of the Police to recover evidence from all aspects of the operation, and to ensure the chain of custody so that evidence is subsequently admissible in court proceedings.

  It is therefore recommended that certain Police Officers be given the specific responsibility to manage the evidence collection process.

- **Intelligence Teams**

  It may, on first glance, be a Policing luxury to have Police Officers only designated to look for and secure intelligence.

  In reality this is not the case, in most serious crime investigations, especially those involving the use of covert intelligence techniques, there are always opportunities to gain intelligence about the Targets under investigation where new evidence may be acquired.

  Also there is always 'peripheral' intelligence, which simply means intelligence which is recovered in an operation which is not relevant to that operation but will be of use to others.

14.9.8 Debriefing

At the conclusion of any operation, no matter how complex or how simple, it is important to convene and hold a debriefing meeting to cover all elements of the operation.

It should be held at the earliest opportunity once operational matters have been dealt with, and should cover the following:

- Summary of the overall results of the Operation.
- Results of Arrests.
- Results of Searches.
- Discussion of what things well.
- Discussion of what went wrong.

The idea is basically to maximise the benefits of the operations, to ensure all opportunities to recover evidence have been explored, best practice has been identified, and areas of failure have been addressed.

14.10 Surveillance Records, Intelligence and Evidence

The main purpose of surveillance is to gain more information about the illegal activities of criminal groups in order to disrupt what they are doing and to ultimately destroy their criminal business.

The most effective way to do this is to secure the arrest and criminal conviction of all those involved.

To do this the Investigator must recover intelligence and evidence that has been acquired lawfully, has been subject to proper evidential control, and is produced to court in a relevant and admissible manner.

Nowhere is this more important than intelligence and evidence acquired by covert means such as surveillance.

In order to deliver this the Investigator must ensure the following occurs:

14.10.1 Integrity

This is the process of recovering evidence in a proper, controlled and systematic way which is achieved by the development of correct processes and the use of standard procedures.

14.10.2 Record keeping

All parts of a surveillance operation must be subject to record keeping, from the initial set up of static surveillance, all the way through to the deployment of mobile resources.

It is essential as a minimum to include the following:

- **Surveillance Logs**

  This should be a formal record that is used for each specific operation and includes details of who is conducting the surveillance, time and dates each surveillance started and ended, and then a summary of what the surveillance revealed.

  For example, in the armed robbery scenario mentioned earlier, the Surveillance Log might reveal: 'At 1000 hrs on the (date) Targets 1, 2 & 3 were seen to leave the XXXX Hotel and travel in a red Toyota Land Cruiser No. XXXX, they appeared to be carrying rifles and headed along XXXX Street towards the XXXX Bank'.

- **Intelligence Reports**

  At the conclusion of the surveillance operation the Police Officers should then summarise the details of the surveillance into an Intelligence Report.

  This should be then submitted, after appropriate evaluation and assessment, to the Investigator to decide on how to best use the information.

This maybe used to plan further development and acquisition of intelligence against the activities of the Targets.

Alternatively it may be of evidential value.

14.10.3 Evidence

If the surveillance reveals information that has evidential value this should then be converted into a witness statement and included as part of the Prosecution Report.

The surveillance should be disclosed to the Prosecutor who may consider producing the records as Court exhibits.

14.10.4 Photographic Evidence

Where possible all types of physical surveillance should be supported by the taking of photographs, as this provides excellent evidence in its own right - or at the very least it corroborates human surveillance.

14.11 Surveillance Tradecraft

Introduction

It is very difficult to present and train any form of tradecraft by way of a Manual. The only effective way is by training practice.

In an effort to give the Investigator some ideas of the issues involved, the below ‘bullet point‘ list has been included as a reference point.

14.11.1 General Issues:

- Surveillance in all forms makes heavy demands on resourcefulness.
- Blending into the environment is most important.
- Officers should carry extra items such as a hat, glasses, and a raincoat to permit changes of appearance.
- Remember to carry loose coins and small bills so you can pay exact fares rather than wait for change, and to carry pen and paper to leave a note when necessary.
- Sometimes, it will be necessary to develop a set of signals that can be used on the street without tipping off the suspect.
- Such things as how a newspaper is carried or the way clothing is worn works well for this.

14.11.2 Foot Surveillance:

- Targets can easily shake off a single follower without too much trouble.
- If you must follow a Target alone, it is best to stay close behind and keep the subject in sight at all times.

- When foot traffic is light, it may be best to cross to the other side of the street which is less likely to attract attention from the subject.
- Be on the lookout for any associates of the Target as they may be watching to see if he/she is being followed.
- They may also be waiting to ambush you.
- Avoid the obvious giveaways: never peek over a newspaper and never sneak peeks from around a doorway.
- Avoid catching anybody's eye.
- Be confident.
- If the Target speaks to you, treat him/her as you would any other stranger who did the same thing.
- If the Targets speaks to you, treat him/her as you would any other stranger who did the same thing.
- If they accuse you of following them, deny it strongly.
- If you are ever forced to abandon a surveillance, don't immediately return to your office.
- The Target or an associate may be following you.
- In two-officer foot surveillance, some of the best tactics is to have one officer in front of the subject and another following from behind.
- Two officers can also 'leapfrog' a suspect.
- In this method, one officer follows while the other moves well ahead, usually on the opposite sidewalk.
- At some point, the lead officer stops and waits for the subject to catch up with him.
- When the Target passes, the lead officer moves in behind while the backup officer moves ahead and becomes the lead officer.

14.11.3 Mobile Surveillance

- Vehicles used for surveillance should be as unobtrusive as possible.
- Aerials, communications gear, and other equipment, should not be visible.
- Headlights should be wired separately so the car appears differently at night.
- In city traffic, the best plan is to stay one or two cars behind the subject and far enough to the right so that the subject is not likely to notice you in a rear view mirror.
- In rural areas, you must lie further back and know the terrain.
- Two vehicles can also use the leapfrog technique.

14.11.4 Counter Surveillance Activity

Some of the things a Target will do to evade you include:

- Trying to get lost in a crowd.
- Boarding a bus just as it is about to leave.
- Entering a building by one door and leaving by another.

- Smarter Targets will go up to a uniformed officer and point you out as someone who is following them.
- If the officer delays you, the subject slips away; and if the officer lets you go, the subject knows that you are an officer too.
- Another trick is when the subject drops a worthless piece of scrap paper to see if you pick it up.
- A variation on this is when the subject goes up to a passerby, shows him or her an address on a piece of paper, and asks directions.
- The Target tries hard to make this innocent contact look like a suspicious transaction, and then watches to see if the passerby arouses suspicion and/or is followed.
- Almost any erratic behavior may be an attempt at evasion.
- The Target may drive down a one-way street the wrong way or make an illegal U-turn to see if you are determined enough to follow him.
- If your Target goes into a building to lose you, use your cell phone / portable radio to summons assistance from another Officer.
- At least one officer should stay in the lobby of the building, and other officers should cover as many exits as possible.
- If the suspect checks into a hotel, get the room number from the clerk and a record of outgoing phone calls.
- If the subject goes into a cinema or cafe, the lead officer should attempt to sit right behind the Target.
- The same applies to buses and other forms of public transport.
- If the Target goes into a restaurant, try to finish your meal first and pay your check shortly before the Target leaves.
- If your Target loses you in their own vehicle, when you catch up with the suspect again, feel the radiator to see if it's still warm.
- Also try to read the mileage both before and after a trip.
- If you lose your suspect, don't feel ashamed as they have more ways to lose you than you have ways to keep up.
- Just try to find the suspect again.
- Check the home and business address.
- Use pretext phone calls to family, friends, associates.
- Station an officer at the point where the suspect was last seen.

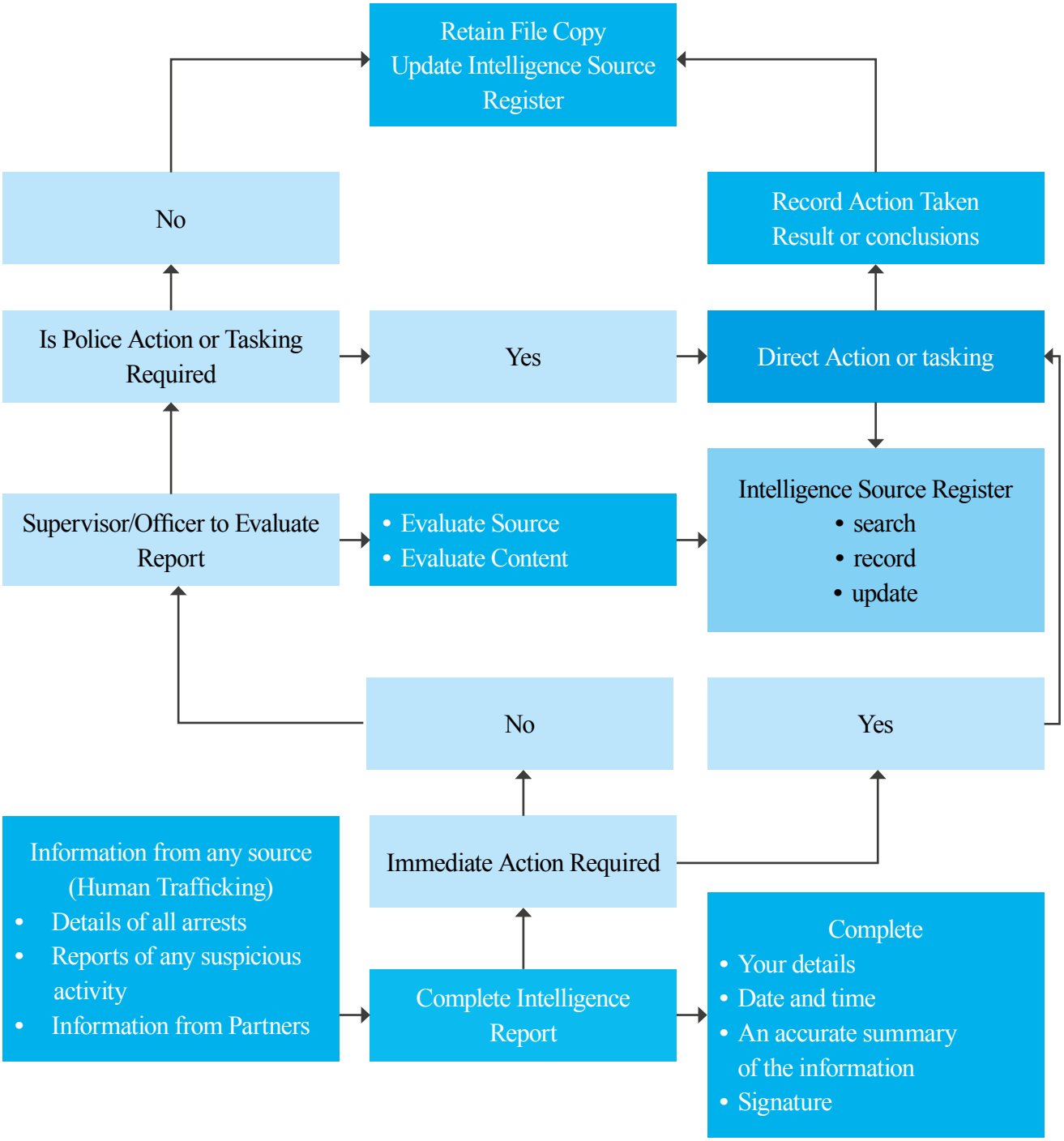
Chapter 15
General Appendices

15.1 Intelligence Report

Intelligence Report					
Officer/Staff Unit/Location		**Date/Time of Report**		**Source Ref. No. Report Ref. No.**	
Source Evaluation (S)	**A** Always reliable	**B** Mostly reliable	**C** Sometimes reliable	**D** Unreliable	**E** Untested Source
Intelligence Evaluation (I)	**1** Known to be true without reservation	**2** Known personally to source but not to officer	**3** Not personally known to source but corroborated	**4** Cannot be judged	**5** Suspected to be false or malicious
Handling Code (H)	**1** Open for general dissemination	**2** Dissemination to Police or Law Enforcement only	**3** Dissemination to Police only	**4** Dissemination to Police Intelligence/ Specialist Unit only	**5** No dissemination

Report		Evaluation		
		S	I	H
Orinators Signature	Action/Tasking Sheet Yes/No Continuation Sheet Yes/No Total No. of Pages			

15.2 Intelligence Report - Process Flow



15.3 Intelligence Source Register

HQ Police Intelligence Unit

Report No	Date	Officer	Police Station	Unit Section	Police No	Identity of Source	Summary of Intelligence	Evaluation & Analysis	By Whom	Action Taken
1/13	1.1.13	Sgt Hersi	Hargeisa Central	CID	5004	Ahmed Ali Jama	Murder - Suspect details of movements	1.1.13	6001	To CID
2/13	1.1.13	Sgt Abdullah	Buramo	Community Police	5118	Musa Jama Madobe	Rape - Identity of IDP camps to be attacked	2.1.13	6001	Further development
3/13	3.1.13	Insp Kochin	Los Anod	CID	0345	Mohamud Aden Akhyar	Robbery - Location of weapons	3.1.13	6789	To CID
4/13	6.1.13	Sgt Fazal	NIA	Hargeisa	6780	Zainab Aden Isse	Human trafficking - Routing and transport details	8.1.13	6001	Further development
5/13	6.1.13	Col Abokar	Marine Police	Berbera Unit	6890	Ismail Hirsi Abdi	Piracy - Details of new criminal gang	6.1.13	6789	To CID
6/13	7.1.13	Agent Davis	Interpol	Interpol France	6890	Musa Abokar	Terrorism - Detail of weapons and bomb locations	7.1.13	6789	To CTU & NIA

Intelligence Requirement

Rape &Sexual Offences

Berbera Area

- Over the last six months there has been a 30% increase in reported crime in and near to IDP Camps
- Information concerning the following is required :
  - Suspected offenders, names and other detail
  - Vehicle and transport detail
  - Methods of communication
  - Details of how attacks place
  - Time and duration of attacks
  - Location of premises used commit the offences
  - Unusual or new methods in relation to how the victims are targeted
  - Any other information concerning this type of crime

IDP Camp

Locations of Rapes & Sexual Offences

January 2013

'All Intelligence Reports to the HQ Police Intelligence Unit'

15.5 Strategic Assessment

Content	Considerations
Introduction and scope	• Aim and purpose • Time period covered • Data sources used • Any sensitivity issues • Geographical location covered • Limitations of report (data quality, availability, legislative restrictions)
All crime/incidents	• Current position on all crime/incidents • Objectives set/met • Trends and predictions • Current priorities • Current problems
Major areas of concern	• Objectives set/met • Progress since last assessment • Patterns/trends • Cross border issues • Impact of criminal organisation locally
Recommendations	• Intelligence requirement • Enforcement and crime prevention priorities

15.6 Tactical Assessment

Content	Considerations
Aim and purpose of report	• Time period covered • Data sources used • Any sensitivity issues
Progress since last report	• Results of agreed actions • Progress on problem profiles • Significant developments and anticipated demands • Progress on target profiles • Significant developments and anticipated demands • Details of arrests, court results, enforcement operations
Current levels of crimes	• Analysis of crime patterns and breakdown by crime category • Objectives set/met • Statistical chats and/or maps; comparison to previous data checks • Significant changes and reasons for them
Emerging problems	• Results of emerging issues re: series, patterns, trends and hotspots • Quality of life/community issues • Priority themes • Reasons for any changes • Predictions of future activity and opportunities for preventive measures • Relevant intelligence and potential suspects

15.7 Problem Profile

Content	Considerations
Summary and authorisation	• Reasons for targeting this crime/incident series, hotspot, disorder or priority theme • Operational objectives • Data sources used • Actions & taskings
Trigger Plan	• Actions to be taken under particular circumstances e.g. if another crime in a series occurs • Certain criminals arrested
Intelligence Collection Plan	• Identify information that will help to give a fuller understanding of the problem • Ways in which intelligence needed can be gathered e.g. use of sources (both human and technical) • Successful techniques used in the past
Investigation/ Enforcement Plan	• How should the profile be progressed in order to deal with the problem • What opportunities are there for disruption, reduction and enforcement e.g. directed patrols. • Successful techniques used in the past – on problem concerned with, or similar problem • Impact on surrounding areas

15.8 Target Profile (Intelligence Package)

Content	Considerations
Summary	• Reasons for targeting individual(s) • Summary of current intelligence • Operational objectives • Data sources used • Current actions and taskings
Personal record	• Names & Nicknames • Age and Date of Birth • Gender • Height • General description • Aliases • Lifestyle • Habits • Addresses • Places frequented • Photographs • Preferred modes of transport • Details of vehicles used • Driving licence status • Fingerprints • Occupation • Hours of work • Associates
Criminal record	• Previous arrests • Convictions • Prison Sentences • Court appearances, • Bail details

Surveillance	• Suitable observation points • Nature and vicinity of subject's address • Security of premises • Surveillance awareness
Communications	• Preferred means of communication • Face to face • Landlines • Cell phones • Internet usage & type • Subscriber checks • Analysis of itemised billing data • Who communicates with who • Patterns of communication • Sophistication/surveillance awareness • Languages spoken • Jargon/slang used.
Financial	• Preferred method of payments • Banking Details • Credit & Debit Cards • Use of Money Transfer Services • Use of cell phone payments systems

15.9 United Nations Universal Declaration of Human Rights 1948

Summary of Articles relevant to Policing

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission that did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

15.10 Cairo Declaration on Human Rights in Islam, 1990

Summary of Articles relevant to Policing

Article 1

All human beings form one family whose members are united by submission to God and descent from Adam.

All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations.

True faith is the guarantee for enhancing such dignity along the path to human perfection.

All human beings are God's subjects, and the most loved by him are those who are most useful to the rest of His subjects, and no one has superiority over another except on the basis of piety and good deeds.

Article 2

Life is a God-given gift and the right to life is guaranteed to every human being.

It is the duty of individuals, societies and states to protect this right from any violation, and it is prohibited to take away life except for a Shari'ah-prescribed reason.

It is forbidden to resort to such means as may result in the genocidal annihilation of mankind.

The preservation of human life throughout the term of time willed by God is a duty prescribed by Shari'ah.

Safety from bodily harm is a guaranteed right.

It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari'ah-prescribed reason.

Article 3

In the event of the use of force and in case of armed conflict, it is not permissible to kill non-belligerents such as old men, women and children.

The wounded and the sick shall have the right to medical treatment; and prisoners of war shall have the right to be fed, sheltered and clothed.

It is prohibited to mutilate dead bodies.

It is a duty to exchange prisoners of war and to arrange visits or reunions of the families separated by the circumstances of war.

It is prohibited to fell trees, to damage crops or livestock, and to destroy the enemy's civilian buildings and installations by shelling, blasting or any other means

Article 4

Every human being is entitled to inviolability and the protection of his good name and honour during his life and after his death.

The state and society shall protect his remains and burial place.

Article 5

The family is the foundation of society, and marriage is the basis of its formation.

Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right.

Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure.

They shall ensure family protection and welfare.

Article 6

Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.

The husband is responsible for the support and welfare of the family.

Article 7

As of the moment of birth, every child has rights due from the parents, society and the state to be accorded proper nursing, education and material, hygienic and moral care.

Both the fetus and the mother must be protected and accorded special care.

Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari'ah.

Both parents are entitled to certain rights from their children, and relatives are entitled to rights from their kin, in accordance with the tenets of the Shari'ah.

Article 8

Every human being has the right to enjoy his legal capacity in terms of both obligation and commitment.

Should this capacity be lost or impaired, he shall be represented by his guardian.

Article 12

Every man shall have the right, within the framework of Shari'ah, to free movement and to select his place of residence whether inside or outside his country and, if persecuted, is entitled to seek asylum in another country.

The country of refuge shall ensure his protection until he reaches safety, unless asylum is motivated by an act that Shari'ah regards as a crime.

Article 17

Everyone shall have the right to live in a clean environment, away from vice and moral corruption, an environment that would foster his self-development; and it is incumbent upon the State and society in general to afford that right.

Everyone shall have the right to medical and social care, and to all public amenities provided by society and the State within the limits of their available resources.

The State shall ensure the right of the individual to a decent living which will enable him to meet all his requirements and those of his dependents, including food, clothing, housing, education, medical care and all other basic needs.

Article 18

Everyone shall have the right to live in security for himself, his religion, his dependents, his honour and his property.

Everyone shall have the right to privacy in the conduct of his private affairs, in his home, among his family, with regard to his property and his relationships.

It is not permitted to spy on him, to place him under surveillance or to besmirch his good name.

The State shall protect him from arbitrary interference.

A private residence is inviolable in all cases.

It will not be entered without permission from its inhabitants or in any unlawful manner, nor shall it be demolished or confiscated and its dwellers evicted.

Article 19

All individuals are equal before the law, without distinction between the ruler and the ruled.

The right to resort to justice is guaranteed to everyone.

Liability is in essence personal.

There shall be no crime or punishment except as provided for in the Shari'ah.

A defendant is innocent until his guilt is proven in a fair trial in which he shall be given all the guarantees of defence.

Article 20

It is not permitted without legitimate reason to arrest an individual, or restrict his freedom, to exile or to punish him.

It is not permitted to subject him to physical or psychological torture or to any form of humiliation, cruelty or indignity.

Nor is it permitted to subject an individual to medical or scientific experimentation without his consent or at the risk of his health or of his life.

Nor is it permitted to promulgate emergency laws that would provide executive authority for such actions.

Article 21

Taking hostages under any form or for any purpose is expressly forbidden.

Article 22

Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari'ah.

Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari'ah.

Information is a vital necessity to society.

It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical values or disintegrate, corrupt or harm society or weaken its faith.

It is not permitted to arouse nationalistic or doctrinal hatred or to do anything that may be an incitement to any form of racial discrimination.

Article 23

Authority is a trust; and abuse or malicious exploitation thereof is absolutely prohibited, so that fundamental human rights may be guaranteed.

Everyone shall have the right to participate, directly or indirectly in the administration of his country's public affairs.

He shall also have the right to assume public office in accordance with the provisions of Shari'ah.

Article 24

All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.

Article 25

The Islamic Shari'ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration.

UNODC
United Nations Office on Drugs and Crime