



SECTION 19 REQUIREMENTS TO APPOINT AN INVESTIGATING OFFICER

CASEWORK POLICY

Table of Contents

Introduction	1
Criteria for making a s.19 appointment	1
Criteria for requiring that the IO be from another force	2
The role of the committee	2
Communication with the applicant and his representatives	3

Introduction

1. Section 19 of the Criminal Appeal Act 1995 gives the CCRC the power to require the Chief Officer of the original investigating body to appoint an investigating officer (IO).
2. The decision to require the appointment of an IO must be made by a committee of three Commissioners.
3. An IO appointed under section 19 will be given directions by the CCRC, setting out the nature of the inquiries required.

Criteria for making a s.19 appointment

4. Set out below is a non-exhaustive list of factors which the CCRC may take into account when deciding whether to appoint an IO.
 - (i) The scale and nature of the inquiry suggest it is appropriate to use police resources.
 - (ii) The nature of the inquiry is such that police expertise is considered essential.

- (iii) There are grounds to suspect that a police officer, or other person involved in an official capacity in the investigation of offences or the prosecution of offenders, has committed an offence such as perjury and/or perverting the course of justice.
- (iv) Where there are grounds to suspect that a person, who is not involved in an official capacity in the investigation of offences or the prosecution of offenders, has committed a serious offence in such circumstances that if there were to be sufficient evidence there is a real possibility that the person would be prosecuted.

Criteria for requiring that the IO be from another force

- 5. Set out below is a non-exhaustive list of factors which the CCRC would take into account in considering whether the requirement should be made to appoint an IO from another police force.
 - (i) Where there are grounds to suspect that a police officer involved in the original investigation has committed an offence such as perjury and/or perverting the course of justice.
 - (ii) Where there is concern that the appointment of an IO from the police force, which conducted the original investigation, would not be seen as impartial.
 - (iii) Where the response from the police force conducting the original investigation is such that there are grounds for concern that any inquiries made by an IO from that police force may not be satisfactorily completed.

The role of the committee

- 6. The case reviewer will discuss the appointment of an IO with the Head of Investigations and recommendations will be prepared. A committee of at least three Commissioners will be convened. One of the Commissioners will take the role of Lead Commissioner (LC).
- 7. The committee will decide whether a section 19 requirement should be made, and, if so, whether an IO from another police force should be appointed. The directions to the IO will be agreed.
- 8. Once a committee has decided to make a section 19 requirement, a notice to this effect will be signed by the LC. The notice and a copy of the directions will be sent to the chief officer of police.

Communication with the applicant and his representatives

9. As a general rule the CCRC will tell the applicant of its intention to require the appointment of an IO and whether it intends to require the appointment of an IO from another police force. The applicant should be given some indication of the nature of the inquiries to be undertaken.
10. Where it is considered that informing the applicant of a section 19 appointment or the nature of the inquiries may prejudice the outcome, the committee may make a decision not to inform the applicant