



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **Power to Appoint an Investigating Officer (s.19)**

Reference: **CW-POL-29**

Version: **1.0**

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The CCRC’s Quality Statement

The CCRC is committed to achieving high-quality case reviews as quickly as possible. In order to achieve this, we operate under a Quality Management System; please see ‘Q-POL-01 CCRC Quality Policy’ for further information. Our policy documents are available on our website: www.ccrcc.gov.uk.

If you or someone you represent has difficulty accessing the internet then please contact us via 0300 456 2669 (calls charged at local rate) and we will send a hardcopy of the relevant policy free of charge.

This is a quality-controlled document. Significant changes from the last issue are in grey highlight: like this. Significant deletions are shown as: [text deleted].

Introduction

This policy states the CCRC’s approach when considering and appointing an investigating officer using the CCRC’s powers under section 19 of the Criminal Appeal Act 1995.

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Key Points

- 1) Unless otherwise stated, all references to 'sections' are in relation to the Criminal Appeal Act 1995.
- 2) The CCRC has the power to appoint an Investigating Officer to conduct enquiries on the CCRC's behalf.
- 3) The Investigating Officer can be a member of the original investigating body, or the CCRC may choose to appoint someone from elsewhere.
- 4) The CCRC will provide directions to the Investigating Officer, setting out the nature of the required inquiries.
- 5) The applicant will usually be told if the CCRC is appointing an Investigating Officer, but there may be occasions when it would not be appropriate to inform the applicant of this.

Definitions

Key Word	Meaning
IO	Investigating Officer

1 General Information

- 1.1 Section 19 of the Criminal Appeal Act 1995 (see [Appendix 1](#)) gives the CCRC the power to require the Chief Officer (or the Provost Marshal) of the original investigating body (e.g. a police force) to appoint an investigating officer (IO).
- 1.2 The decision to require the appointment of an IO will be made by a committee of three Commissioners.
- 1.3 An IO appointed under section 19 will be given directions by the CCRC, setting out the nature of the inquiries required.

2 Criteria for making a section 19 appointment

- 2.1 Set out below is a non-exhaustive list of factors which the CCRC may consider when deciding whether to appoint an IO:
 - I. The scale and nature of the inquiry suggest it is appropriate to use police resources.

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- 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.

3 Criteria for requiring that the IO be from another force

3.1 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 / investigating body:

- 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.

4 The role of the committee

4.1 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.

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- 4.2 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.
- 4.3 Once a committee has decided to make a section 19 requirement, a notice to this effect will be signed by the Lead Commissioner. The notice and a copy of the directions will be sent to the chief officer of police.

5 Communication with the applicant and/or their representatives

- 5.1 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 will usually be given some indication of the nature of the inquiries to be undertaken.
- 5.2 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 decide not to inform the applicant.

Appendices

1 [Criminal Appeal Act 1995 \(excerpt\)](#)

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Relevant CCRC Documents

Q-MAN-01 CCRC Quality Manual
Q-POL-01 CCRC Quality Policy

Legal Documents (available for free from www.legislation.gov.uk)
Criminal Appeal Act 1995

Document Control

Document author: Head of Legal
Issue authorised by: Director of Casework Operations

Version History

Date Issued	Version	Brief Details of Change	DCR
15/07/2021	1.0	First Issue	21/04

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Appendix 1 - Criminal Appeal Act 1995 (excerpt)

The law stated below is provided here for information only. It is correct at the time this policy document was published. However, you should always check the www.legislation.gov.uk website for the latest version of the law

19 Power to require appointment of investigating officers

- (1) Where the Commission believe that inquiries should be made for assisting them in the exercise of any of their functions in relation to any case they may require the appointment of an investigating officer to carry out the inquiries.
- (2) Where any offence to which the case relates was investigated by persons serving in a public body, a requirement under this section may be imposed -
 - (a) on the person who is the appropriate person in relation to the public body, or
 - (b) where the public body has ceased to exist, on any chief officer of police or on the person who is the appropriate person in relation to any public body which appears to the Commission to have functions which consist of or include functions similar to any of those of the public body which has ceased to exist.
- (3) Where no offence to which the case relates was investigated by persons serving in a public body, a requirement under this section may be imposed on any chief officer of police or Provost Marshal.
- (4) A requirement under this section imposed on a chief officer of police may be -
 - (a) a requirement to appoint a person serving in the police force in relation to which he is the chief officer of police, or
 - (b) a requirement to appoint a person serving either in another police force selected by the chief officer or in a service police force selected by him.
- (4A) A requirement under this section imposed on a Provost Marshal may be -

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- (a) a requirement to appoint a person serving in the service police force in relation to which he is Provost Marshal, or
 - (b) a requirement to appoint a person serving either in a police force selected by the Provost Marshal or in another service police force selected by him.
- (5) A requirement under this section imposed otherwise than on a chief officer of police or a Provost Marshal may be -
- (a) a requirement to appoint a person serving in the public body in relation to which the person on whom the requirement is imposed is the appropriate person, or
 - (b) a requirement to appoint a person serving in a police force or service police force, or in a public body (other than such a force) having] functions which consist of or include the investigation of offences, selected by the appropriate person.
- (6) The Commission may direct -
- (a) that a person shall not be appointed, or
 - (b) that a police force or service police force or other public body shall not be selected, under subsection (4), (4A) or (5) without the approval of the Commission.
- (7) Where an appointment is made under this section by the person who is the appropriate person in relation to any public body, that person shall inform the Commission of the appointment; and if the Commission are not satisfied with the person appointed they may direct that -
- (a) the person who is the appropriate person in relation to the public body shall, as soon as is reasonably practicable, select another person in his place and notify the Commission of the proposal to appoint the other person, and
 - (b) the other person shall not be appointed without the approval of the Commission.

*****END OF DOCUMENT*****

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