

SUBJECT: COMPLAINT BY/ON BEHALF OF

Robert Howell

3A

Reference No: B147/

1345/97

Robert Howell

Chief Inspector/Superintendent

Mc Burney

- 1. (a) Reference above complaint, you are appointed Investigating Officer.
- (b) Assistant Investigating Officer: *Mr Supt Anderson, Chief Constable Bradley*
- (c) See relevant legislation and instructions in Code Section 9 and related appendices.

2. If in doubt as to action seek the advice of Superintendent, Complaints & Discipline.

3. Attached are:

(a) MSX containing details of complaint (Form 17/2 and related documentation will be forwarded to you when received in 'G' Department)

(b) Form 17/2 and related documentation.

4. The Independent Commission for Police Complaints:

(a) Must supervise the investigation

(b) May supervise the investigation (The Commission's decision regarding supervision will be notified to you when known)

NB. Before commencing a supervised investigation you should comply with RUC Code Appendix 9(10) - Paragraph 11.

5. (a) Prepare a file for the Director of Public Prosecutions which must be submitted to the Director not later than eight weeks before summary proceedings become statute barred - ensure that the sub-judice rule does not apply.

 *Howell*

(b) Prepare (i) A discipline file for the Commission

(ii) Discipline file for Assistant Chief Constable 'G'

NB. Ensure files are prepared in accordance with the format set out in RUC Code Appendix 9(11).

6. The Sub-Divisional Commander has been reminded to report to the DPP the local crime file into the complainant's behaviour, per Code Section 31(10).

7. See OVERLEAF regarding IMMEDIATE preparation and service of Form 17/3. Also Code Appendix 9(10) - paragraphs 44-51.

8. File Submission date is 27.8.97 statute barred date is 27 October 1997

Cross Reference B147  
B147  
B147

'G' Department  
Chief Constable 'G'

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## FORM 17/3 (CAUTION 1)

- (a) The legal requirement that the member subject to investigation is served with this form as soon as practicable is to be interpreted as meaning that the member is served with the form WITHIN DAYS of the IO receiving the Assistant Chief Constable 'G's directive to investigate the matter, unless to do so would prejudice his or any other investigation of the matter.
- (b) The IO will personally serve the original Form 17/3 (Caution 1) on the member and have him acknowledge receipt on the copy of the form. Separate arrangements are in force for IOs attached to 'G' Department to effect 'delegated service' of the form in complaint investigations only. Personal service by the IO will always be effected in internal discipline investigations.
- (c) A further Form 17/3 (Caution 1) should be served as and when fresh criminal/discipline matters arise during the course of the investigation. If it is established at any stage during the investigation that a member is no longer the subject of that investigation the IO will inform him of that fact in writing.
- (d) It will not normally be necessary to formally interview the member concerned at the time he is initially served with Form(s) 17/3 (Caution 1). However, the IO/Supervisory Officer should remind the member concerned at that early stage of his rights under Caution 1, clarify any matters concerning the form about which the member may be in doubt and inform him that he has the right to consult a 'friend' at all stages of the investigation. At the same time the member concerned will be handed a list of those members of the Force who have volunteered to act as 'friends' and a copy of "Notes of Guidance to Members - Evidence by Inference".
- (e) When the stage is reached in the investigation where it is considered appropriate to formally interview the member concerned the IO will:-
  - (i) where a criminal allegation is involved conduct the necessary interview under PACE and related 'Codes of Practice';
  - (ii) where no further questioning under (i) is necessary introduce the disciplinary aspect of the investigation and remind the member concerned of all previous Form(s) 17/3 (Caution 1) served on him.
  - (iii) inform the member concerned that he will be given time, if necessary, to consider the matter and a further appointment on a date mutually suitable to both IO and member will be arranged.
- (f)
  - (i) It must be made clear to the member concerned when he is invited to make a statement that he is not obliged to do so and that it may be used in any disciplinary proceedings which arise from the investigation of the report, allegation or complaint.
  - (ii) Also, the member concerned must be warned that if he fails to mention any fact on which he relies on in his defence in any subsequent disciplinary proceedings his failure to take the opportunity to mention it to the IO may be treated at the disciplinary proceedings as supporting any relevant evidence against him.
  - (iii) Notwithstanding that Form 17/3 (Caution 1) contains these warnings the IO should tell the member concerned verbally.

## 2. \*FORM 17/3 (CAUTION 2)

To be served personally by the IO when Regulation 6(b) of the RUC Discipline Regulations or Regulation 5(b) of the RUC Reserve (PT) Discipline Regulations applies.

## 3. \*FORM 17/3 (CAUTION 3)

To be served personally by the IO when Regulation 6(c) of the RUC Discipline Regulations or Regulation 5(c) of the RUC Reserve (PT) Discipline Regulations applies.