

SLC Questions on Notice
20-21 February 2002
DEPARTMENT OF DEFENCE

**W34: Investigation Procedures and
Jurisdiction**

**Chapter 6 of
Defence Policing
and Security
Management
System Navy
Orders.**

CHAPTER SIX

Initial Consideration of Incident and Subsequent Action Taken

Action by an Informant and Senior NPC in Charge upon Receipt of a Notifiable Incident

6.1 Any member of the NPC category who receives any information relating to any Notifiable Incident as outlined in DI(G) ADMIN 45-2 will immediately bring the matter to the notice of the senior NPC member in charge. The senior NPC member in charge will then be responsible for ensuring that the allegation is entered, as an Incident Report (IR), onto DPSMS.

6.2 Normally, the person who receives the information will be the person nominated to enter the information onto DPSMS. That person is to ensure that, once approval has been given by the senior NPC member in charge, details are entered onto DPSMS, IAW DPSMS and Navy Business Rules, prior to 0800 h on the following working day.

6.3 Once the information has been entered onto the DPSMS as an IR, a hard copy of the report is to be placed into an IR Case File. The IR Case File is then to be passed to the DPSMS Site Administrator.

Action by DPSMS Site Administrator

6.4 The DPSMS Site Administrator will then conduct a quality control check on the IR to verify that the incident was recorded IAW DPSMS and Navy Business Rules.

6.5 The DPSMS Site Administrator will then assess the information and make a recommendation on further action required. While conducting the assessment, the DPSMS Site Administrator must ensure that the collection of such evidence would not jeopardise any future investigation. The assessment process by the DPSMS Site Administrator should not alert the suspect(s) of the allegation(s), nor should the confidentiality of the complainant be compromised while making that assessment.

6.6 The DPSMS Site Administrator will then input any relevant intelligence data into the IR before completing the 'Assessment', 'Incident Impact', 'Threat' and 'Future Action' screens on DPSMS. The status of the incident should then be changed to 'Referred', then to 'Closed'. The matter should then be forwarded, initially in electronic and finally in documented form, to the Head of the DIA (HDIA) or his/her delegate.

6.7 If during the course or at the end of the initial assessment, it is concluded that the incident is not a Notifiable Incident, the reason for the conclusion should be entered into the 'Assessment', 'Incident Impact' and 'Threat' screens by the DPSMS Site Administrator. The 'Future Action' screen should then be completed before quality control is conducted upon the incident and then the Incident Report should be closed and forwarded to the HDIA or his/her delegate, through the nearest DIA.

Action by a HDIA upon receipt of a Notifiable Incident

6.8 As soon as a HDIA receives a Notifiable Incident, the matter is to be assessed to determine whether an investigation should be conducted by a DIA. While determining the assessment, the HDIA should reflect on the principles of assessment as defined in DI(G) ADMIN 45-2.

Referral

6.9 If, during the course or at the end of the initial assessment, a decision is made by the HDIA to refer an IR to a non-Navy authority, consideration should be given to identify whether the non-Navy authority is using DPSMS.

6.10 Referring a matter to a non Navy DIA using DPSMS: If a matter is referred to a non-Navy DIA using DPSMS, the HDIA should order that a new IR be opened and linked to the original IR. The Future Action screen of the new IR should then be completed before changing the new IR status to 'Referred' and then 'Closed'. The new IR should then be passed to the non-Navy DIA along with an electronic and hard copy of the original and all associated documentation.

6.11 Referring a matter to a non-Navy authority not using DPSMS: If the matter is to be sent to a non Navy authority that does not use DPSMS, the HDIA should order that an Investigation Report be opened to indicate the Future Action of the matter. The original IR and the new INV should then be linked and the new INV status should then be changed to 'Referred' and left that way until an outcome is achieved. At that time, the outcome may be entered and the matter may then be closed. A complete hard copy of the IR and the INV and all associated documentation should then be sent to the non-Navy authority.

Matter investigated by Service Police

6.12 If, after assessing the Notifiable Incident, the HDIA determines that the incident should be referred back to the Senior NPC in charge of the relevant unit for action, the electronic copy and the hard copy of the IR should be returned to the unit, so that the unit may take immediate action. If the matter is referred back to a unit for further action, the Senior NPC in charge should take on the status of the Primary Investigator for that particular case file and carry out any actions that are imposed on the Primary Investigator from there on. The Future Action screen should then be changed to reflect the new decision and the decision makers name.

Matter investigated by a DIA

6.13 If the HDIA determines that an investigation is to be conducted by the DIA, the HDIA should then cause an Investigation Report (INV) to be raised, which is to be linked to the IR. The decision should then be recorded on DPSMS. The HDIA will then appoint a Primary Investigator to conduct the investigation. All data will then be transferred from the original IR to the INV and an INV Case File will be raised. Once an INV has been opened, only the HDIA may close it. The HDIA will then brief the Primary Investigator on the type of investigation and specify any relevant information pertaining to that investigation.

Action by Primary Investigator

6.14 The Primary Investigator is responsible for ensuring that all information captured during the investigation is placed onto the DPSMS and into the Case File as necessary.

6.15 If an offender is identified during the course of an investigation and evidence will support a prima facie case, either a Prosecution Brief or a Brief of Evidence is to be prepared. A Prosecution Brief will be prepared where the matter is to be heard by an XO or CO, and a Brief of Evidence is to be prepared if the matter is to be heard by either a DFM or a Courts Martial.

6.16 The Prosecution Brief is to be passed to the relevant Prosecutor for further action. The Brief of Evidence is to be passed to the Defence Prosecution Unit for assessment prior to being forwarded to the relevant Prosecutor for further action. The Prosecutor is to decide whether it is in the interest of the ADO to prosecute. The Prosecutor is also to decide on whether a Prima Facie case exists

6.17 The decision by the Prosecution and any subsequent trial outcome, is to be recorded on DPSMS by the Primary Investigator. If a guilty finding is attained, the Prosecutor is to ensure that the outcome is also recorded on PMKeys.

6.18 If, during the course of, or at the end of the INV, a decision is made by the Primary Investigator that no service or civil offence was committed, or there is insufficient evidence to proceed, or that a suspect has not been identified, the Primary Investigator will have a Police Report forwarded to the relevant Commanding Officer. This report should specify the initial allegation, subsequent action taken by the investigation unit, conclusions and any recommendations, if necessary.

6.19 All outcomes of the investigation are to be recorded on DPSMS by the Primary Investigator before the matter can be closed by the HDIA.

Internal Investigations

6.20 If the information received alleges that a member of the NPC category may have committed a civil or service offence, the matter is to be entered onto the DPSMS as an IR by the senior NPC in charge and the IR should be given restricted access. The matter is then to be reported to the HDIA to decide on an appropriate course of action.

Completion of the IR/INV

6.21 On completion of the IR/INV, the Case File, containing all documentation relevant to the case, shall be forwarded to the Central Records Office. The IR/INV is to be closed by the Primary Investigator and an electronic copy of the closed IR/INV is to be forwarded to the Central Records Office.

Flow Chart

6.22 A flow chart, showing the process described in this chapter, is in annex A of this chapter.

ANNEX A TO
CHAPTER 6

FLOW CHART FOR PROCEDURES – NOTIFIABLE INCIDENTS

