



Security Industry Authority

SIA Research: Private Investigator Best Practice

October 2006

Section 1: Introduction

Please note: this research is not regulatory or licence linked in anyway. Its content should be regarded as best practice only.

Since June 2005, the SIA has been researching the wide range of Private Investigators' roles, responsibilities, expertise and experience. This work was undertaken with representations from across the private investigator sector of the private security industry, with a view to publishing competency proposals for licensing this sector in a Regulatory Impact Assessment (RIA). However, we are currently unable to confirm when the RIA will be published by the Home Office.

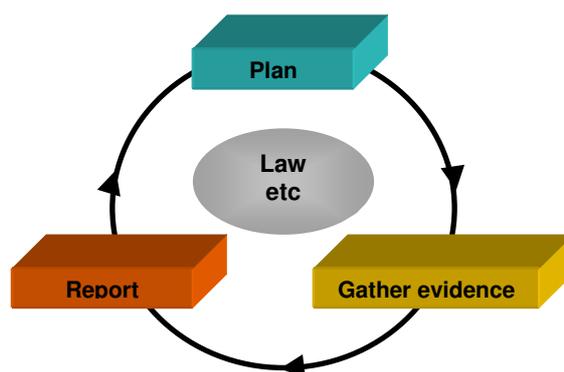
Given the work done to date, and the level of input and support from individuals working across the sector, we want to share our research with the private investigator sector and other stakeholders now to allow them to benefit from the best practice which has been identified.

Section 2: Private Investigation Activities

SIA research identified that there were a set of six activities around which investigations, regardless of context or complexity, were based. These activities were:

- Implement Investigations.
- Interview Witnesses.
- Interview Suspects.
- Search for Information and Evidence.
- Carry out Basic Surveillance.
- Laws, Standards and Regulations

The diagram below shows how the six activities would fit into a basic investigation cycle.



The Investigation Cycle

The research conducted expanded upon these six activities to identify the minimum performance which should be expected of anyone who is either operating as, or who intended to be, a private investigator. From this the SIA has been able to identify 'best practice' for the sector.

The best practice identified by the SIA also complements areas set out within the recently developed National Occupational Standards (NOS) for Private Investigators.

2.1 Implement Investigations

SIA research demonstrated that Private Investigators should have the following basic skills and related knowledge and understanding in order to organise and carry out investigations.

They should be able to:

- Identify and agree with their clients the investigation's objectives and advise on the feasibility, viability, legality and consequences of what they are being asked to do.
- Develop an investigation plan which takes into account financial, resource, time and legal constraints.
- Choose investigation methods and resources which best suit the agreed objectives.
- Implement the investigation plan, ensuring that it is regularly reviewed and modified, if necessary, with clients' approval.
- Deal promptly, properly and effectively with conflicts of interest.
- Obtain information by lawful means.
- Systematically analyse, grade and corroborate, information in order to establish patterns and links.
- Accurately record the details of gathered information and the results and findings of the investigation.
- Maintain the security and confidentiality of information.
- Report the results of the investigation in ways which meet clients' agreed needs and expectations.

They should know and understand:

- Those aspects of current legislation, regulations, standards of behaviour and guidelines relating to investigation techniques and procedures.
- How to talk to, establish good working relationships with, and brief clients and others who are involved in the investigation.
- How to identify and give attention to any special needs which clients might have and that any minority/discriminatory/diversity related issues which might arise are dealt with properly
- The different methods of carrying out investigations to achieve different investigation objectives.
- How to match investigation methods to clients' objectives and present them in precise and clear ways so that clients understand the options available in terms of their appropriateness, cost, complexity and timescale.
- How and why it is important to highlight and explain clearly to clients the legal and other limitations or restrictions that impact on the proposed investigation.
- How to present to clients, in either written or oral format, recommendations and ensure that clients give confirmatory permission to proceed with the investigation.
- How to record and store information about agreements and transactions with clients and others involved in the investigation.
- How to identify, allocate and maintain the resources needed to meet the investigation's objectives.

- How to implement the agreed investigation plan.
- How and why it is important to identify and remove the possibility of conflict of interests.
- How to cope with changing circumstances, reviewing and updating implementation plans and, where necessary, ensuring that clients are informed and approve of changes.
- How to monitor progress and produce accurate interim and final reports in a format which meets clients' agreed needs and expectations.
- When and how to seek expert advice and information from others.

2.2 Interview Witnesses

SIA research demonstrated that Private Investigators should have the following basic skills and related knowledge and understanding in order to interview witnesses.

They should be able to:

- Specify the objectives of interviews and work to them.
- Sensitively and courteously conduct interviews in ways which take into account witnesses' rights, privacy, identified special needs and confidentiality requirements.
- Encourage witnesses to provide accurate and reliable information that is relevant to and supports the investigation.
- Assess and corroborate the value, importance, relevance and reliability of the information they elicit from witnesses.
- Produce accurate and legible statements, including corrections, alterations and additions which have been agreed and endorsed by witnesses.
- Ensure, when third parties are present, that correct procedures are followed and that witnesses are not influenced by them.
- Ensure that the integrity of exhibits is preserved.

They should know and understand:

- Those aspects of current legislation, regulations, standards of behaviour and guidelines which relate to the acquisition and preservation of evidence and their authority to interview witnesses.
- The importance of and how to go about relating to witnesses in a caring and polite manner.
- How to identify and give attention to any special needs which witnesses might have and that any minority/discriminatory/diversity related issues which might arise are dealt with properly.
- How to ensure that witnesses know their rights and that they are not influenced by third parties.
- The basic types of interviewing techniques and when and how to use them so that witnesses provide accurate and clear statements which they are willing to endorse.
- How to determine what information and facts are required and how to encourage witnesses to provide them.
- How to determine what exhibits are required during the interview and how to handle them.
- How to grade and assess the suitability, reliability, relevance and value of witnesses' evidence and why it is important to do so.
- How to protect the confidentiality and value of evidence and why it is important to do so.
- How to record, accurately interpret and store statements, other information and exhibits in ways which do not, in any way, jeopardise their integrity and validity.

2.3 Interview Suspects

SIA research demonstrated that Private Investigators should have the following basic skills and related knowledge and understanding in order to interview suspects.

They should be able to:

- Prepare and plan for interview by:
 - Specifying the objectives of the interview and working to them
 - Gathering relevant background information
 - Confirming suspects' identities
 - Setting up and checking that any equipment to be used is working properly.
- Sensitively and courteously interview suspects in ways which take into account their rights, privacy and identified needs whilst maximising the acquisition of facts.
- Use equipment which supports the interview in strict accordance with legal requirements and manufacturers' instructions.
- Encourage suspects to provide accurate information that is relevant to and supports the investigation.
- Suspend and reconvene interviews.
- Follow correct procedures for managing the presence of third parties.
- Deal with suspects' aggressive or anti social behaviour promptly so as to protect everyone's well-being.
- Take prompt action to calm any grievance where indications of suspicion are proved to be unfounded.
- Record and interpret relevant facts accurately and establish, where possible, the level of suspects' involvement.
- Produce accurate and legible statements, including corrections, alterations and additions which have been agreed and endorsed by suspects.
- Protect and store all records and exhibits in ways which ensure that their integrity is preserved.

They should know and understand:

- Those aspects of current legislation, regulations, standards of behaviour and guidelines which relate to the acquisition and preservation of evidence and their authority to interview suspects.
- How to collect and collate background information on suspects and confirm their identities.
- How to plan and conduct interviews in ways which maximise opportunities to find out facts.
- The capabilities and limitations of equipment used during interviews and how to confirm its operational effectiveness.
- The importance of relating to both cooperative and uncooperative suspects in a polite manner and how to go about it.

- How to ensure that suspects know their rights, that any special needs which they might have are attended to and that any minority/discriminatory/diversity related issues which might arise are dealt with properly.
- The basic types of interviewing techniques and when and how to use them so that suspects provide accurate and clear statements which they are willing to endorse.
- How to recognise and deal with hostile and/or distressed suspects' behaviour promptly and effectively whilst ensuring the health, safety and security of all those involved in the interview.
- The importance of following correct legal procedures at all times, including when third parties are present at interview.
- How to determine what information and facts are required and how to encourage suspects to provide them.
- How to determine what exhibits are required during the interview and how to handle them.
- How to record and accurately interpret statements and store statements, information and relevant facts.

2.4 Search for Information and Evidence

SIA research demonstrated that Private Investigators should have the following basic skills and related knowledge and understanding in order to organise and to carry out searches for information and of people and property for potential evidence.

They should be able to ensure that:

- They have the necessary authority to carry out a search.
- They comply with legislation and codes of practice relevant to searching for information or potential physical evidence.
- They give clear reasons for the search to individuals whom, or whose property, they are searching.
- Prevent possible contamination of potential evidence, including ensuring that the search area is secure.
- The equipment which they need is available and in effective and working order.
- Witnesses, when appropriate, are present.
- Others involved in the search are properly briefed.
- Appropriate attention is paid to the health and safety aspects of the search.

They should be able to:

- Carry out, sensitively and courteously, searches whilst maximising opportunities to gather physical/potential evidence.
- Identify and search appropriate sources of information to support the investigation.
- Maintain the confidentiality and security of information.
- Take prompt and appropriate action when they find information, physical evidence or potential evidence.
- Ensure that evidence is kept safe and secure, properly marked, identified and recorded, whilst ensuring that its continuity and integrity is maintained.
- Complete and provide relevant people with appropriate and authenticated documentation.

They should know and understand:

- Those aspects of current legislation, regulations, standards of behaviour and guidelines which relate to the searching for and preservation of evidence and their authority to search for information and search people and property.
- The procedures which should be followed when conducting searches including: the use of witnesses and dealing with minority/discriminatory/diversity related issues.
- Different types of search methods.
- The implications of failure to follow correct procedures and operate within the law.
- How to secure a search area or source of information and preserve the integrity of evidence and potential evidence.
- What evidence and/or potential evidence to look for and what to do if they are found.

- How to respond to the adverse reactions of people who are either being searched or are having their property searched.
- How to deal with the health and safety aspect of searches.
- How to work efficiently and effectively with others who are involved in the search.
- How and why it is necessary to handle, store and securely protect evidence in ways which preserves its integrity, quality and continuity.
- How and what details of evidence should be recorded.
- How and to whom information and findings about searches should be given.
- How to recognise and deal with situations in which it is necessary to refer the results of searches to others.

2.5 Carry Out Basic Surveillance

SIA research demonstrated that Private Investigators should have the following basic skills and related knowledge and understanding in order to carry out surveillance operations.

They should be able to:

- Prepare and plan the surveillance by:
 - Specifying its objectives and working to them
 - Obtaining, where appropriate, the authority to carry it out
 - Identifying and allocating resources
 - Choosing and using appropriate, ethically acceptable and legal surveillance methods
 - Checking that any equipment to be used is working properly
 - Ensuring, if others are to be involved in the surveillance, that they know and understand their roles and their responsibilities
 - Reconnoitring the subject's location.
- Locate and occupy the correct surveillance start position.
- Use surveillance equipment in accordance with legal requirements and manufacturers' or suppliers' instructions.
- Take prompt and appropriate action if contact with the subject is lost.
- Maintain, when required, communication with others who are contributing to the surveillance.
- Record and, when required, relay to others who are contributing to the surveillance, accurate information about observed subjects.
- Operate in a manner which protects the well being of everyone involved in the surveillance.
- Accurately transcribe written or recorded surveillance notes.
- Confirm the extent to which the quality, quantity and relevance of recorded information supports the surveillance objectives.
- Handle and store written and recorded information in ways which preserves its security, confidentiality, integrity and value as evidence.
- Collate, analyse and interpret the information obtained during the surveillance and, in the required format, report findings.

They should know and understand:

- Those aspects of current legislation, regulations, standards of behaviour and guidelines relating to surveillance activities.
- Different surveillance techniques and tactics and how and when they should be used.
- The limitations and capabilities of technical equipment and the importance of using it in accordance with manufacturer's guidelines and legal and regulatory requirements.
- How to recognise and cope with constraints and prepare contingency plans for dealing with problems which might arise.
- What to do if surveillance contact is lost.

- How to gather, record and store information gathered during surveillance activity and decide its quality, sufficiency and relevance.
- How to handle and securely store written or recorded information to protect its quality, confidentiality and value as evidence.
- How to carry out surveillance activities whilst maintaining the health and safety of themselves and others.

2.6 Laws, Standards and Regulations

SIA research demonstrated that Private Investigators should have up-to-date knowledge and understanding of those aspects of laws, regulations and standards of behaviour which relate to investigation activities in the private sector.

This means that they should be able to:

- Find and use sources of information on laws, regulations, procedures and standards of behaviour
- Understand the principles of interpreting statute and case law that might impact the area under investigation.
- Have a working knowledge of current and emerging laws, regulations and standards of behaviour which have an impact on their investigative practices, particularly those aspects which relate to laws of evidence and procedures.
- Be sufficiently aware of the differences between English and Welsh law and Scottish law to ensure that they comply with legislation, relating to Private Investigation, which applies in the nations and regions in which they may operate.
- Recognise when to involve police and/or other public services in investigations.
- Recognise when they should get advice and guidance from others and then seek them out.

Guidance Note

The types of Laws, regulations and standards of behaviour which were regarded as best practice included:

- Civil Procedure Legislation:
 - Civil Procedure Rules (England and Wales)
 - Sheriff Courts (Scotland) Act 1907 and 1971
 - Small Claims (Scotland) Order 1988
 - Acts of Court/Practice Notes
- Computer Misuse Act 1990
- Consumer Credit Act 1974
- Evidence and Procedure Legislation:
 - Criminal Justice and Public Order Act 1994
 - Criminal Procedure and Investigations Act 1996
 - Criminal Procedure (Scotland) Act 1995 (as amended)
 - Police and Criminal Evidence Act 1984
 - Mental Health (Care and Treatment) (Scotland) Act 2003
 - Sexual Offences (Procedure and Evidence) (Scotland) Act 2002
 - Vulnerable Witnesses (Scotland) Act 2004
 - Civil Evidence (Scotland) Act 1988
- Data Protection Act 1998
- Disability Discrimination Act 1995 (as amended)
- Freedom of Information Act 2000 and Freedom of Information (Scotland) Act 2002
- Human Rights Act 1998

- Private Security Industry Act 2001
- Protection from Harassment Act 1997
- Public Interest (Disclosure) Act 1998
- Race Relation (Amendment) Act 2003
- Regulations of Investigatory Powers Act 2000 and Regulation of Investigatory Powers (Scotland) Act 2000
- Sex Discrimination Act 1975 (as amended)
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000
- Security Industry Authority Standards of Behaviour for Private Investigators
- Serious Organised Crime and Police Act 2005

The above list is best practice only and its contents would change overtime.

Section 3: Standards of Behaviour

SIA research showed that the following standards of behaviour should be demonstrated by those operating within the private investigator sector.

Private Investigators should accept responsibility for their actions and diligently carry out their roles in ways which ensure that they:

- Confirm clients' identities and establish that they have legal and moral right to commission an investigation.
- Agree in advance with clients the objectives of the investigation and the fees, terms and conditions which will apply.
- Deal with clients and others with discretion and courtesy and in ways which do not bring the reputation of either themselves in particular or the profession of private investigation in general, into disrepute.
- Respect and protect clients' and others' privacy and lawful confidentiality.
- Objectively disclose to clients all the information arising from an investigation, whether it is advantageous or disadvantageous, unless the law dictates otherwise.
- Ensure that investigation specific and business records, administrative systems and procedures comply with legal requirements, protect against accidental disclosure and reflect best practice.
- Carry out investigations in ways which are moral, honest, truthful and fair whilst adhering to legal and regulatory requirements.
- Accept only those commissions which they consider themselves qualified to carry out.
- Seek advice from and/or refer clients to, only those who have the experience, knowledge and skills needed to carry out the work, meet the necessary legal requirements and operate to the same/similar code of ethics.
- Assist, when required by law to do so, the legal and regulatory authorities.
- Act fairly and not discriminate on the grounds of gender, sexual orientation, marital status, race, nationality, ethnicity, religion or beliefs, disability, or any other difference in individuals which is not relevant to the Private Investigator's responsibility.
- Promote, through their general demeanour and in dealings with clients, the general public, colleagues and the authorities, the professionalism and integrity of the private investigation community.

Private Investigators should notify (register) the Information Commissioners Office to ensure that they have an entry on the Commissioner's public register that they are processing personal data. This entry should include details of their use of personal data. For more information visit:

www.ico.gov.uk/tools_and_resources/register_of_data_controllers.aspx.