



New South Wales Police Service

Major Crime Squad Investigation Referral System

 **COPY**

September 1994

THE MAJOR CRIME SQUAD INVESTIGATION REFERRAL SYSTEM

CHARTER OF MCSs

Major Crime Squads (MCSs) are restricted to acting in the role of consultant specialist resources, which support patrols by acting on written referrals from patrol, district or region commanders. This is not intended to restrict MCS commanders from seeking written referrals from patrol, district or region commanders on matters which fall within the class appropriate for investigation by the MCS.

MCSs will only undertake an investigation upon written referral except when acting on information supplied by informants or from intelligence sources and there is no existing Investigation Team assigned to the investigation. Permission to investigate these types of matters should be obtained from the MCS Commander, who may delegate that authority to Investigation Supervisors. For these investigations, Commissioner's Instruction 1, "Command and Responsibility", control investigation actions.

MCS commanders also have a responsibility to co-operate with other regions on the investigation of complex, sensitive and protracted major crimes which fit between patrol and State investigations.

CRITERIA FOR DETERMINING A MAJOR CRIME

The Major Crime Squad Investigation Referral System (MCSIRS) is a mandatory written referral process used for determining and investigating major crime in New South Wales.

For the purposes of this referral, "major crime" means and includes a "major investigation" as defined under the Major Investigation Plan (Task Force Group Command, Operations Support Command).

The criteria for determining a major crime involves a *twofold* approach.

- i) Those crimes considered to fall within a class of major crimes appropriate for investigation by MCS and include;
 - murder
 - kidnapping/abduction
 - serious sexual assaults

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- suspicious fire/explosions resulting in death or injury or substantial property loss or politically motivated
- armed hold-ups
- medium to complex fraud matters
- child mistreatment matters
- serious serial offences, and
- any other crime or incident which is considered to fall into this class of crime and or exceeds the capacity or resources of the patrol

AND;

- ii) The serious nature of the crime which takes it outside the general scope, capacity and resources of patrols and includes;
- complexity
 - sensitivity
 - length of time investigate
 - geographic or jurisdictional implications e.g patrol, district, intra region/intra-State, Inter-State, Commonwealth.

WRITTEN REFERRAL PROCESS

Request from Patrol/s or District/s for MCS Assistance

Patrol Commanders are responsible for the investigation of all crime in their patrol (Commissioner's Instruction 1 "Command and Responsibility"). Patrol Commanders fundamentally make the decision on the investigation team and method of investigation. Unless a district or region commander intercedes, the patrol commander has that authority, responsibility and accountability.

Where a Patrol, District or Region Commander is of the opinion that a crime comes under the definition of a "major crime" and it is considered that the capacity or resources of the patrol/s or district/s to investigate and manage the crime would be exceeded, then a completed "Major Crime Squad Referral" form must be forwarded to the Commander, Major Crime Squad. The referral form seeks information regarding the proposed role of the MCS, proposed composition of the investigative team and proposed duration of investigation. The composition of an investigation team should be any combination between patrol, district, region or State resource. It is not intended that all major crime be simply passed onto MCS or State resources for their exclusive attention. The reason for the referral to the MCS must also be clearly indicated on the form.

On receipt of the completed "Major Crime Squad Referral" form, the Major Crime Squad Commander will contact the Patrol Commander and assess the information supplied. The

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MCS Commander will either accept or reject the referral. Where the referral is accepted, negotiations between the Patrol Commander and the MCS Commander will determine:

- which Commander will draw up the terms of reference
- who will be the officer in charge of the investigation
- the composition of the investigation team:
 - patrol/s and MCS resources
 - district/s and MCS resources
 - MCS resources only

When conducting negotiations, it should be borne in mind by both commanders that:

- the investigation team must be formed as soon as possible after the incident, and
- the investigation team has to be comprised of the most appropriate resources to deal with the particular type of crime being investigated.

Where the referral is rejected by the MCS Commander, the reasons for the rejection must be stated. The form is to be signed by the MCS Commander and forwarded to the Patrol Commander. A copy should be filed in the MCS office.

'Terms of Reference' for the investigation should then be prepared by the agreed Commander. The terms of reference will include the following details:

- investigation supervisor
- team members
- extent of inquiry and projected duration
- to whom the team will report
- summary of the essential background information
- what is to be done by the team
- how it is to be done and to include: broad statement of general outline, details of individuals/groups required and responsibilities, details of co-ordination, boundaries and definitions
- how it is to be supported: budget, equipment, overtime & other resource
- how it is to be controlled: reporting arrangements and performance indicators.

It is important that the most appropriate resources are assigned to cases to achieve the best outcome for the Service. **The process cannot be seen as MCS resources dictating to patrols, nor patrols to MCSs, nor Operations Support to regions.** It must be a consultative process where major crimes are identified and appropriate resources allocated to the investigation.

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Copies of the terms of reference should be exchanged between the Patrol/District Commander and the MCS Commander. Further copies will also be handed to the investigation supervisor and the officer to whom the supervisor reports. Relief or change of the investigation supervisor should be accompanied by an appropriate written briefing between the incoming and outgoing investigation supervisors.

Request from MCS to Conduct an Investigation Within Patrol/s or District/s

It has been recognised that approximately 40% of MCS work comes from investigations arising from informant information. Furthermore, occasions arise where information from intelligence sources or an inspection of NetMail detects matters which, in the opinion of the MCS Commander, may require their assistance.

Notwithstanding the exception to the mandatory written referral rule, MCSs will make a written request to patrol/s or district/s to conduct an investigation within such patrol/s or district/s as a result of those matters. This will be achieved by the MCS Commander completing a 'Major Crime Squad Request to Conduct Investigation' form. The conduct of a covert operation will be an exemption to this process as stated in Commissioner's Instruction 1, "Command and Responsibility":

"When a commander proposes to carry out police duties which, in his/her opinion, may be prejudiced by advising a patrol commander of the nature of those duties, the commander applies, as soon as possible, to the appropriate region commander(s) for authority to conduct covert duties."

On receipt of the 'Major Crime Squad Request to Conduct Investigation' form, the Patrol/District Commander will contact the Major Crime Squad Commander and assess the information supplied. The Patrol/District Commander will either accept or reject the referral. Where the referral is accepted, negotiations between the Patrol Commander and the MCS Commander will determine:

- which Commander will draw up the terms of reference
- who will be the officer in charge of the investigation
- the composition of the investigation team:
 - patrol/s and MCS resources
 - district/s and MCS resources
 - MCS resources only

Where the referral is rejected by the Patrol/District Commander, the reasons for the rejection must be stated. The form is to be signed by the Patrol/District Commander and forwarded to the MCS Commander. A copy should be filed in the Patrol/District office.

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'Terms of Reference' for the investigation should then be prepared by the agreed Commander and copies exchanged. Further copies will also be handed to the investigation supervisor and the officer to whom the supervisor reports. Relief or change of the investigation supervisor should be accompanied by an appropriate written briefing between the incoming and outgoing investigation supervisors.

GENERAL

Police will not investigate a crime unless part of the investigation team.

Any intelligence on a crime must be passed onto the investigating team and not investigated by other police unless by agreement of the investigating team.

CONCLUSION

It should be clearly understood that patrols are the centre piece in the referral system. It is important, however, that a co-operative approach is adopted where all self-interest is removed and the notion of mutual achievement is advanced. This response will result in the best response to the investigation and management of major crime for the community, parliament and the Police Service.

When crimes involve a number of patrols, districts or regions, the affected commanders are obliged to co-operate on the investigation and management of the crime.



NSW POLICE SERVICE MAJOR CRIME SQUAD REFERRAL

PATROL: DISTRICT:

BRIEF DETAILS OF INCIDENT SUBJECT OF REFERRAL:

PROPOSED ROLE OF MAJOR CRIME SQUAD:

PATROL SUPPORT	<input type="checkbox"/>	COMBINED INQUIRY	<input type="checkbox"/>	MCS STAFF ONLY	<input type="checkbox"/>
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REASON FOR REFERRAL

- | | | | |
|--|--------------------------|------------------------------------|--------------------------|
| 1. Protracted/Complex/Sensitive Inquiry | <input type="checkbox"/> | 2. Specialist Assistance | <input type="checkbox"/> |
| 3. Crosses Region/District/Patrol Boundaries | <input type="checkbox"/> | 4. Organised Crime/Serial Offences | <input type="checkbox"/> |
| 5. Other (Specify) | <input type="checkbox"/> | | |

NOMINATED PATROL CASE OFFICER:

PROPOSED DURATION OF INVESTIGATION:

APPROVAL:

DISTRICT COMMANDER'S APPROVAL
OBTAINED/COPY FORWARDED:

Signature:
Patrol Commander

.....
Time and Date

Phone:

ACTION: REFERRAL ACCEPTED REFERRAL REJECTED

STATE REASONS FOR REJECTION

NOMINATED M.C.S. CASE OFFICER:

AGREED O.I.C. INVESTIGATION:

TERMS OF REFERENCE BY: PATROL COMMANDER

MCS COMMANDER

Signature:
Commander MCS

Phone:

• MAJOR CRIME SQUAD TO MEET ALL EXPENSES OF THEIR STAFF AND ANY CONTENTIOUS MATTERS WILL BE NEGOTIATED.



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NSW POLICE SERVICE MAJOR CRIME SQUAD REQUEST TO CONDUCT INVESTIGATION

PATROL: DISTRICT:

BRIEF DETAILS OF INCIDENT SUBJECT OF REFERRAL:

PROPOSED ROLE OF MAJOR CRIME SQUAD:

PATROL SUPPORT	<input type="checkbox"/>	COMBINED INQUIRY	<input type="checkbox"/>	MCS STAFF ONLY	<input type="checkbox"/>
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REASON FOR REFERRAL

- | | | | |
|--|--------------------------|------------------------------------|--------------------------|
| 1. Protracted/Complex/Sensitive Inquiry | <input type="checkbox"/> | 2. Specialist Assistance | <input type="checkbox"/> |
| 3. Crosses Region/District/Patrol Boundaries | <input type="checkbox"/> | 4. Organised Crime/Serial Offences | <input type="checkbox"/> |
| 5. Other (Specify) | <input type="checkbox"/> | | |

NOMINATED M.C.S. CASE OFFICER:

PROPOSED DURATION OF INVESTIGATION:

Signature: Phone:
Commander M.C.S.

ACTION: REQUEST ACCEPTED REQUEST REJECTED

STATE REASONS FOR REJECTION

NOMINATED PATROL CASE OFFICER:

AGREED O.I.C. INVESTIGATION:

TERMS OF REFERENCE BY: PATROL COMMANDER

M.C.S. COMMANDER

COPY

DISTRICT COMMANDER'S APPROVAL
OBTAINED/COPY FORWARDED

Signature:
Patrol Commander Time and Date

Phone:

• MAJOR CRIME SQUAD TO MEET ALL EXPENSES OF THEIR STAFF AND ANY CONTENTIOUS MATTERS WILL BE NEGOTIATED.

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