

<b>SI Identification Number</b>	SI0118
<b>Policy Ownership</b>	Innovation and Standards Department
<b>Issue Date</b>	12/04/2018
<b>Review Date</b>	5 years from issue date
<b>Last Updated</b>	01/02/2019
<b>Governing Service Policy</b>	Criminal Justice
<b>Cancellation of</b>	XX/XXXX
<b>Classification</b>	<b>OFFICIAL (PUBLIC)</b>

## SI0118

### Wanted Persons

This Service Instruction explains the Police Service of Northern Ireland's approach to locating persons wanted by police at all stages of the criminal justice process.

It is supported by operational and technical guidance produced by Criminal Justice Branch in conjunction with colleagues within the Service.

This Instruction will also provide guidance on the flagging and removal of flags for wanted persons from NICHE and the Police National Computer (PNC).



## Table of Contents

1. Introduction.....	3
2. Aims .....	3
3. Locating a Wanted person .....	3
4. Wanted for Interview.....	4
5. Breach of Bail / Failure to Appear .....	4
6. Bench Warrants.....	5
7. Service for Summons .....	6
8. Money Penalty Warrant .....	7
9. Licence Revocations .....	7
10. Supervision of Wanted Person Investigations.....	8
11. Wanted Flag Reviews.....	8
12. Action upon locating a Wanted Person .....	8
13. Persons believed to be outside Northern Ireland .....	9
14. Releasing images of Wanted Persons .....	9
15. When a person cannot be located .....	10
16. Prosecutorial Reviews .....	11
Appendix A Contact Us .....	12

## 1. Introduction

The Police Service of Northern Ireland (PSNI) is responsible for locating persons who are wanted at various points in the criminal justice system. For the purpose of this instruction 'wanted' includes:

- Persons who are wanted for interview in relation to an offence;
- Persons who are wanted for arrest for breach of bail conditions;
- Persons who are wanted for arrest having failed to appear at a police station to answer bail;
- Persons who are wanted for arrest on foot of a bench warrant;
- Persons who are wanted for the purposes of serving a summons;
- Persons who are wanted for arrest on foot of a monetary penalty (fine) warrant;
- Persons who are wanted for arrest to be returned to prison having had their licence revoked; and
- Persons who are wanted for arrest on foot of a European Arrest Warrant (EAW).

## 2. Aims

The aim of this instruction is to support the criminal justice system in Northern Ireland by relentlessly pursuing those who are wanted.

The PSNI will take a proportionate approach when attempting to locate a wanted person; we will seek to use the least intrusive method first before resorting to more intrusive methods.

It is acknowledged that despite efforts to locate a person, some persons may remain wanted for a protracted period of time.

With limited resources there will be occasions when, due to a number of factors, the PSNI determines along with partners that it is no longer in the public interest or proportionate to have a person wanted.

## 3. Locating a Wanted person

Where a person is wanted an investigation must be commenced to locate that person. That person is not missing, but is wanted. There may be exceptional circumstances where there is clear compelling evidence that suggests the wanted person has

become a victim of a crime and is missing as a result. If this is the case supervisors should clearly record why they believe the person is both wanted and missing along with the information supporting that decision. Such cases will be rare.

It is recognised that the sooner actions to locate a wanted person are taken the higher the likelihood of locating the wanted person promptly.

Actions to locate a wanted person must be appropriately recorded as detailed below.

#### **4. Wanted for Interview**

Persons who are wanted for interview in relation to their suspected involvement in an offence will be flagged on NICHE using a 'Wanted for Interview' flag. This will be based on reasonable suspicion of their involvement in an offence for which there is a power of arrest. Prior to flagging a person as wanted for interview reasonable and proportionate efforts will be made by the Investigating Officer to locate the person. This will vary dependent upon the nature of the offence and the circumstances of the investigation. All requests to have someone flagged as

wanted shall be authorised by a Sergeant who is familiar with the investigation and is satisfied reasonable efforts have been made and there are grounds for the arrest.

All documents, statements and evidential items should be added to NICHE and logged in to a property store prior to flagging a person as wanted. Where there is an immediate need to flag a person as wanted for interview prior to logging evidential items on NICHE, an entry must be made on the OEL detailing the location of those items.

Actions taken to find that person will be recorded in the OEL and the Wanted Persons checklist as appropriate.

In appropriate circumstances, as below, circulation on the Police National Computer may be appropriate. Officers should refer to National Enquiries Service Instruction.

#### **5. Breach of Bail / Failure to Appear**

Where a person fails to appear at a police station to answer bail they are liable to be arrested for the offence for which they are on bail. Where this is not an indictable offence an arrest for absconding on bail

under Article 5 of the Criminal Justice (NI) Order 2003, will provide a power of entry.

A person who fails to appear shall be flagged with 'Wanted for failing to answer bail' on NICHE.

Whether or not a breach of bail conditions is an offence, or merely arrestable depends on the type of bail. Where a person breaches bail the person shall be flagged with 'Wanted for breach of bail'

An officer detecting a breach of bail shall be responsible for locating the person until the end of their duty on that date. If the officer has not located them by their termination they will:

- Alert the person as 'Breach of Bail';
- Complete a statement of evidence; and
- Notify the Coordination and Tasking Centre (CTC) for that Area.

The CTC for that area will ensure the Investigating Officer for the matter which the person was on bail is informed as soon as possible. Where that officer is absent, another officer in their Department or District will be informed to commence efforts to locate that person. This does not prevent efforts by the District detecting the breach to locate the person.

Actions taken to find that person will be recorded in the OEL and the Wanted Persons checklist completed as appropriate.

## 6. Bench Warrants

A bench warrant is issued when a person fails to attend court, when required to do so, during the course of the prosecution of an offence. Until the person is brought back before the court the prosecution cannot proceed in their absence.

Where a bench warrant is issued in the course of a prosecution the investigating officer shall be responsible for locating the person. Concurrently the District in which the person was last known to reside shall be responsible for attempting to execute that warrant, this consists of:

- Home – physical checks to include house to house;
- Place of work checks;
- NICHE research; and
- PSNI Portal research.

A bench warrant remains valid until executed or withdrawn by the Court.

Persons wanted on bench warrant will be flagged using the 'Warrant' flag. This flag is automatically created upon receipt of the warrant.

Actions taken to find that person will be recorded in the Warrant Log and the Wanted Persons checklist completed as appropriate.

## 7. Service for Summons

The purpose of a summons is to compel a person to attend court. If a summons is not served the prosecution cannot proceed in their absence.

A person who is wanted for service of summons cannot be arrested. Officers are required to confirm the identity of the person and serve the summons. It is immaterial if a different address is recorded on a summons it should still be served on the person.

There are two potential complications with the service of summonses. These are;

1. Officers encounter person and we have a summons but it is out of date;
2. Officers encounter a person and they are flagged for service of summon but

there is currently no summons at all in existence for them. This situation occurs when we have returned a previous summons to the Public Prosecution Service (PPS) as unserved but this has not been subsequently reissued.

In both scenarios officers should obtain a current address for the person within the jurisdiction. The address should be notified to

[zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk](mailto:zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk). Northern Occurrence and Case Management Team (OCMT) will have the relevant case file reviewed and a hard-copy summons re-issued for service.

'Summons for Service' is an automatically created flag when a person summons is issued for a person.

Actions taken to find that person will be recorded in the Summons Log and the Wanted Persons checklist completed as appropriate. Northern OCMT will be responsible for completing the Wanted Person checklist, as appropriate for those cases where a summons has been unserved.

Any queries in relation to Summons should be directed to

[zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk](mailto:zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk).

## 8. Money Penalty Warrant

A monetary penalty warrant is issued when a person, who has been fined after conviction, has failed to pay the fine imposed. The warrant imposes a period of imprisonment for failing to pay the fine.

A monetary penalty warrant is valid for one year from date of issue. During that year there must be documented efforts to execute the warrant. If unexecuted within the year the warrant will be returned by OCMT to the Courts for review.

The District where the person was last known to reside will be responsible for executing a monetary penalty warrant.

A person wanted on monetary penalty warrant will be flagged using the 'Warrant' flag. This flag will be automatically generated when a warrant is received by NICHE.

Actions taken to find that person will be recorded in the Warrant Log and the Wanted Persons checklist completed as appropriate.

Any queries in relation to Monetary Penalty Warrants should be directed to [zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk](mailto:zNorthernOCMTColeraineCJUREG@psni.pnn.police.uk).

## 9. Licence Revocations

Where a person is released from prison on licence, their licence may be revoked by the appropriate authority. When this occurs the Department of Justice will notify the Person Vehicle Index (PVI). Upon notification PVI will create an incident on Command and Control, log the documents on NICHE and flag the person using the 'Arrest Sought' flag. Efforts will immediately be made to locate the person by available resources within the District they were last believed to reside.

When not located immediately the relevant CTC for the area will be informed and allocate responsibility for locating that person to an appropriate officer. This allocation will take into account the nature of the offending and the risk posed to the public.

## 10. Supervision of Wanted Person Investigations

Where a person is wanted there must be regular supervision of the efforts to locate that person. When conducting a supervisory review, supervisors will consider what action has been taken to locate the person and what action should be taken.

The Wanted Person checklist is provided as a structured guide to officers to make appropriate enquiries to locate a person. In all cases the checklist shall be added to all occurrences no later than the 6 months after a person first became wanted and may be added sooner in more serious cases.

This checklist should form the basis for directing investigative actions to locate the person. It should be regularly revisited by the officer with responsibility for finding the person. Some actions may be repeated several times.

Supervisors are expected to review investigations where a person is wanted at the following intervals:

- 56 day intervals until 6 months;
- 6 months since they became wanted;
- and

- 12 month intervals thereafter.

## 11. Wanted Flag Reviews

When a person is flagged as wanted the flag shall be placed on the person for a period of time. This varies depending on the particular type of flag used. Some flags require periodical reviews.

Upon receipt of a NICHE task to review a wanted flag the officer shall determine whether it remains necessary for the person to be wanted. The officer shall also consider what actions could now be taken to locate the person and as a minimum:

- Conduct a PSNI Portal check; and
- Research any recent contact with police.

## 12. Action upon locating a Wanted Person

All officers coming into contact with wanted persons, including Custody Officers shall take appropriate action to deal with the reason why the person is wanted.



Officers should be particularly mindful of the need to cancel flags of wanted persons where a wanted person is not brought to a Custody Suite. Gazette Section or PVI can cancel flags upon request. It is the responsibility of the officer locating the person to ensure the flag is cancelled.

Failure to deal appropriately with flagged person is a disciplinary matter, can enable wanted persons to commit further offences and damages confidence in policing.

### **13. Persons believed to be outside Northern Ireland**

Where a wanted person is believed to be outside Northern Ireland there are a variety of methods to return them to the jurisdiction or have the matter dealt with where they currently are.

Service Instruction International Enquiries and National Enquiries provide detailed guidance on the Police National Computer (PNC) and Police National Database (PND).

It is recognised that where a wanted person is outside Northern Ireland there are legal, financial and practical implications that must be considered when

deciding how to appropriately deal with that person. Each case should be taken on its own merits and any decisions in relation to locating or returning the person should be recorded.

Prior to a decision to apply for a European Arrest Warrant or circulate a person on PNC for arrest officers must consult a supervisor. Given the financial and practical implications of returning wanted persons consideration must be given at an early stage as to whether, if located, the District or Department will bear the costs of the return. As a minimum there should be consultation with an appropriate budget holder.

### **14. Releasing images of Wanted Persons**

Where efforts to locate a wanted person have failed, it may be appropriate in some cases to release an image of that person to the public in order to locate them. This can be an extremely useful means to locate the person however there are a number of issues that require specific consideration prior to any release:

- Purpose of the release;
- Necessity; and

- Proportionality.

All officers considering release must liaise with Corporate Communications as most cases will require the approval of an Assistant Chief Constable (ACC) and the completion of a request.

Where a person is believed to pose a danger to the public the release of an image may be considered sooner than would otherwise be the case.

Any queries in relation to the release of images of wanted persons should be directed to [zCorporateComms-PressOffice@psni.police.uk](mailto:zCorporateComms-PressOffice@psni.police.uk).

## **15. When a person cannot be located**

Where a person is wanted for interview in relation to an offence, breach of bail or failure to appear and cannot be located despite all proportionate efforts to locate them having been exhausted, consideration should be given to removing the wanted alert after a reasonable period of time.

This will depend on the nature of the circumstances, the type of offence and the

type of alert. Each person and wanted flag will be considered on its own circumstances, and following consultation with a Service Gatekeeper the investigation may be filed pending further evidence. In more serious cases a case file should be sent to the PPS for direction.

The following flags may not be manually removed (otherwise than by locating the person) without consultation with the Public Prosecution Service (PPS) or Northern Ireland Courts Service (NICTS):

- Summons for service; or
- Warrant (Bench warrant and Monetary penalty warrant).

Where the PPS or NICTS agree to removing the wanted flag a 'No Prosecution' decision should be issued via Causeway/NICHE and the alerts will be removed through that process.

A person who is wanted for licence revocation shall not have the 'Arrest Sought' flag manually removed except following arrest and return to prison.

## 16. Prosecutorial Reviews

The PPS will formally review whether the public interest test is still met in cases where a summons has not been served or a bench warrant remains unexecuted after 9 months and 2 years.

During both reviews the PPS may seek the PSNI view on whether the case cannot or should not proceed. Officers will be required to show documented efforts to locate the wanted person continuing throughout the period of time they are wanted.

The PPS will review each case on its own merits considering:

1. The gravity of the offence;
2. The time since the offence;
3. The likely penalty upon conviction;
4. The strength of evidence;
5. If the person has come to police attention subsequently;
6. Likelihood of re-offending;
7. In appropriate cases, the view of the victim; and
8. The likelihood of the victim attending court.

## **Appendix A Contact Us**

**Service Instruction Author**

**Branch Email**

[CSDSecretariat@psni.police.uk](mailto:CSDSecretariat@psni.police.uk)