

BDG Investigator's Bulletin

EDITION 2 · MAY 2026

Welcome to the May 2026 edition of the BDG Investigator's Bulletin. In this issue we follow the natural arc of an investigation: from the critical early decisions that shape everything that follows, through to the point at which the caution must be administered and into the investigative interview itself. We also return to the growing challenge of proportionality in digital disclosure, an area where the legal obligations on investigators continue to develop.

As always, we hope this edition supports your CPD and your day-to-day practice.

Getting the Start Right: Why the First Decisions Define Your Case

CORE INVESTIGATIVE PRACTICE

Poor investigation outcomes are rarely the result of a single Investigative failure. More often, they start with small early errors that quietly shape everything that follows.

The first decisions made in an investigation determine what evidence is preserved or lost, which witnesses are spoken to and in what order, what lines of inquiry are pursued, and, critically — what is disclosed.



Triage First

Is this matter criminal? Should it be investigated at all? Is it for this authority? Document your triage decision — an undocumented decision is an unexplained one.




Define the Scope

Record in writing: the offences under consideration, the subjects, the time period, and the reasonable lines of inquiry — both for and against the suspect.



Document Everything

Courts and oversight bodies look for structured, reasoned, documented decisions from day one. An investigation without a defined scope creates disclosure, resource, and proportionality problems.

 An investigator who starts without a plan frequently ends without a case.

Reasonable Lines of Inquiry and the Investigation Management Log (IMD)

CORE INVESTIGATIVE PRACTICE

The CPIA 1996 duty to pursue all reasonable lines of inquiry applies from the start of an investigation, including lines that may assist the suspect. The investigation log is the most important document in any investigation. Open it on day one, keep it up to date and record significant decisions, actions, and reasons contemporaneously.



Identify Lines of Inquiry

Record all reasonable lines — including those pointing away from guilt. Where a line is assessed as not reasonable, record that decision and why.



Open the Investigation Log

Open it on day one. Maintain it throughout. Every significant decision, action, and reason must be recorded contemporaneously.

Date and Time Every Entry


Record the date and time of every significant entry — written at the time, not reconstructed after the event.

Document Decisions and Reasons

Record decisions and the reasons for them, including actions taken and results obtained.

Record What Was Not Done

Note what was not done and why — including lines of inquiry assessed as not reasonable, with the reason recorded.

 The downstream consequences of poor initial practice are predictable: evidence preserved late may be compromised; witnesses spoken to in the wrong order may be contaminated; decisions not documented at the time must be reconstructed — and reconstruction under cross-examination is rarely convincing.

When Must You Caution? Getting It Right at the Point Grounds to Suspect Arise

INVESTIGATION LAW · PRACTICE SPOTLIGHT

Code C requires a caution before any questions about suspected involvement once grounds to suspect arise. The trigger is objective — not arrest, not a formal interview, and not investigator confidence. The question is whether a reasonable person in possession of the same information would have grounds to suspect the individual of an offence.



Information Received

You receive information about a potential offence or suspect.



Grounds to Suspect?

Apply the objective test: would a reasonable person in possession of this information have grounds to suspect this individual?




Threshold Reached

The moment grounds to suspect arise — caution **MUST** be administered before any further questions about the offence.



Administer the Caution

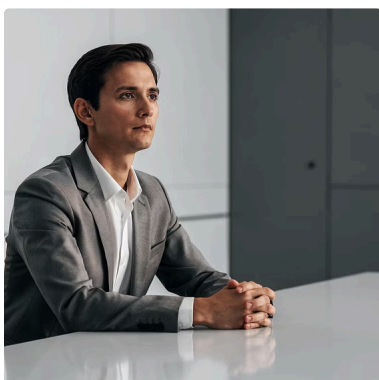
Give the full caution in the correct wording. Explain it if not understood. Document it.

 A common error: investigators continue to ask questions after grounds to suspect have arisen, believing they are still in a "fact-finding" phase. Evidence obtained in breach of this requirement is at real risk of exclusion under **section 78 of PACE**.

The Caution: Wording, Voluntary Attendance, and Common Errors

INVESTIGATION LAW · PRACTICE SPOTLIGHT

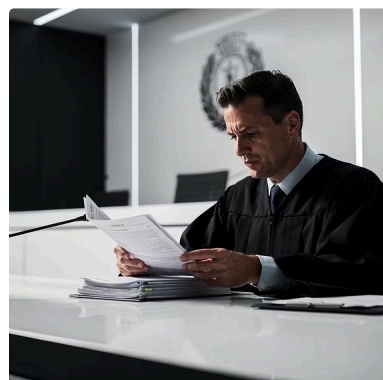
"You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."



Right to Silence

You do not have to say anything.

Reflects the fundamental right to silence.



Adverse Inferences

But it may harm your defence...

Under CJPOA 1994, failure to mention a fact later relied on in court may lead to adverse inferences being drawn.



Evidential Status

Anything you do say may be given in evidence.

Everything said is potentially admissible. Investigators must understand this — not merely recite it.

Voluntary attendance does not remove the need to caution. If grounds to suspect exist when the voluntary interview begins, the caution must be administered before any questions about the offence. The person must also be told at the outset that they are not under arrest and are free to leave at any time unless subsequently arrested. This must be documented.

- **Know your trigger**

If grounds to suspect exist, administer the caution before any questions about the offence.

- **Explain where needed**

Ensure the caution is explained where a person does not appear to understand it, and document that explanation.

- **Do not assume voluntary attendance removes the need to caution**

It does not.

- **Tell them they are free to leave**

Voluntary attendees must be told they are not under arrest and are free to leave at any time — document this.

- **If in doubt, caution**

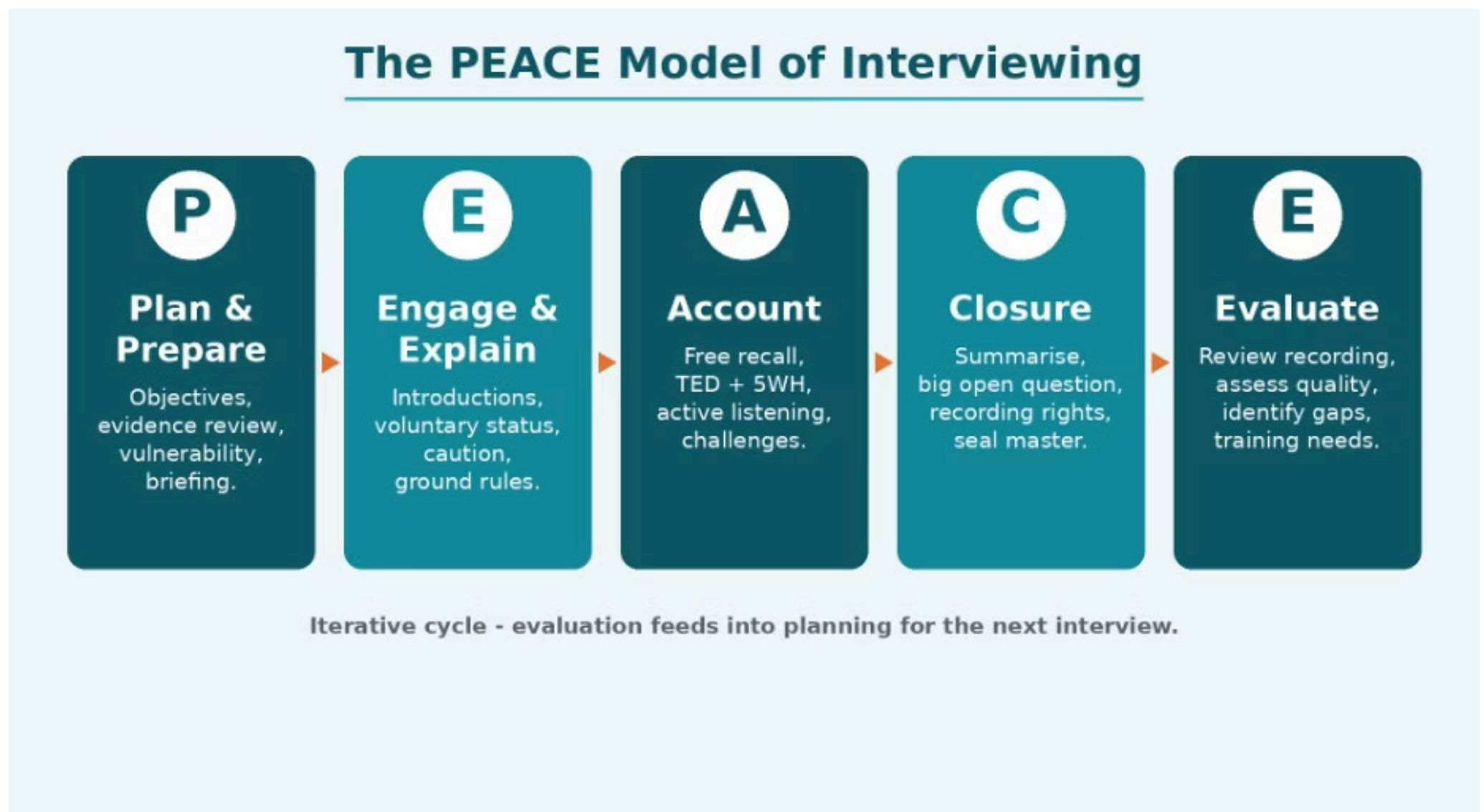
It is always better to caution correctly than to risk exclusion.

i If in doubt about whether grounds to suspect have arisen — administer the caution. It is always better to caution correctly than to risk exclusion.

The PEACE Model: A Framework for Effective Investigative Interviewing

TRAINING & DEVELOPMENT

The PEACE model is the national framework for investigative interviewing. Applied well, it gives investigators the best opportunity to gather accurate, complete, and reliable information in a legally defensible way. An unstructured interview risks leading questions, missed areas, and a record that will not withstand court scrutiny.



i The PEACE model is not a rigid script — it is a structured approach that, applied well, produces the best evidence and withstands scrutiny.

PEACE in Practice: Stage by Stage

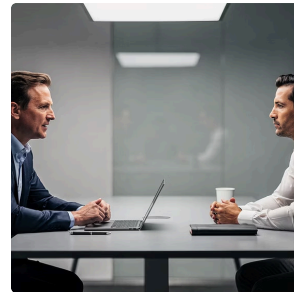
TRAINING & DEVELOPMENT



Preparation & Planning

Know the offence. Know your evidence.

Understand any vulnerabilities and assess needs for appropriate adult and language professionals. Plan your topic areas and know your points to prove and defences.



Engage & Explain

Set the tone professionally.

Establish rapport, explain the purpose and format, cautions and ensure the suspect understands what the caution means and the purpose of the interview. A well-managed opening ensures PACE CoP compliance and makes the Account phase significantly more productive.



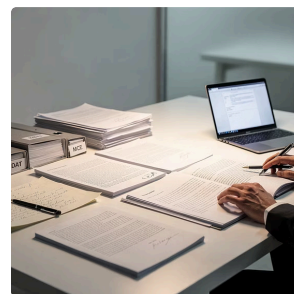
Account

Obtain a full, accurate account.

Start with TED questions to obtain a free narrative, then probe through 5WH and clarify.

Use open questions and active listening to identify gaps and inconsistencies.

Challenges should be evidence-based, not assumption-based. Leading questions undermine the quality of evidence.



Closure & Evaluation

Close professionally.

Give the interviewee the opportunity to add anything and explain what happens next.

Then evaluate: review the account against evidence, identify new lines of inquiry, and update the investigation log.

The interview is a source of further investigative direction, not an end point.

 BDG Training Consultancy has published its **2026 PACE Interview Guide**, providing practical, up-to-date guidance on investigative interviewing for local authority and public sector investigators. Available to members through the BDG Private Members Area at www.bdgtrainingconsultancy.co.uk.

Proportionality and Digital Disclosure: Drawing the Line on Device Examination

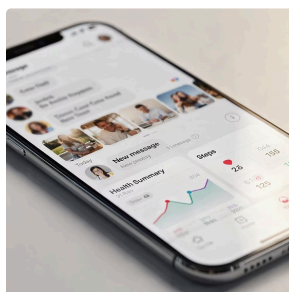
INVESTIGATIONS PRACTICE

Digital extraction from mobile phones and other devices is part of an investigation. Before any seizure or examination, investigators must have a documented reasonable line of inquiry that justifies the decision and the scope of examination.



PCSC Act 2022 Code of Practice

Devices must not be seized or examined as routine. A documented reasonable line of inquiry must justify both seizure and the scope of examination.




Article 8 ECHR

Extraction constitutes an interference with the right to private and family life. Modern devices hold private communications, health data, financial records, and third-party information.



Proportionality Requirement

The benefit of extraction must be balanced against the likely intrusion — including into the privacy of third parties whose data is held on the device.

 A disproportionate examination — even where it produces useful evidence — can undermine a prosecution.

What Proportionality Requires — and Where Investigators Go Wrong

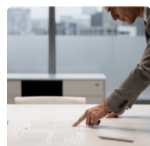
INVESTIGATIONS PRACTICE

Before any examination begins, investigators must document a clear justification. A blanket full-extraction approach is not automatically proportionate — the examination must be targeted to what the investigation actually requires.



The Offence & Its Seriousness

Record the offence under investigation and its seriousness — this anchors the proportionality assessment from the outset.



The Evidential Purpose

Document the specific evidential purpose — what are you looking for, and why? Vague justifications will not withstand scrutiny.



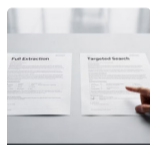
Why This Device?

Record why examination of this particular device is necessary — not all devices seized need to be examined.



Define the Scope

Define the scope before extraction begins — full extraction or targeted search of specific applications or date ranges. The scope must be set in advance, not after the fact.



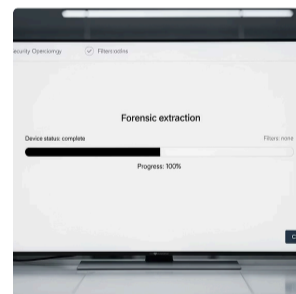
Why Not a Less Intrusive Approach?

Document why a less intrusive approach would not achieve the same result. If it would, that approach must be used.



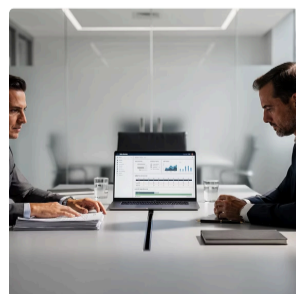
No Prior Documentation

Seizing and extracting without a written justification prepared in advance. An undocumented decision is an unexplained one.



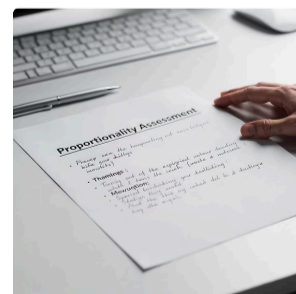
Full Extraction as Default

The scope of examination must be defined before extraction begins. Full extraction is not automatically proportionate.



Failing to Engage the Prosecutor

Agree the approach with the prosecutor before examining significant volumes of digital material. Late engagement creates disclosure problems.



Relying on Policy, Not Reasoning

A blanket policy is not a proportionality assessment. Each case requires its own documented reasoning.

i The **Fisher Review (March 2025)** called for metadata-based scheduling in high-volume digital cases and pre-charge prosecutor engagement as standard practice. Anticipated Home Office guidance on redaction and a revised CPIA Code of Practice are further developments to monitor closely in 2026.

Could Your Team Benefit from Specialist Investigation Training?

BDG TRAINING CONSULTANCY

BDG Training Consultancy delivers specialist investigation training to local authorities, public bodies, and law enforcement across the UK. Our programmes are grounded in current legislation, delivered by subject matter experts, and tailored to the case types and operational context your investigators actually face in an ever changing modern and digital driven investigative environment.



Interview Essentials

Develop your team's investigative interviewing capability using the PEACE model and the BDG 2026 PACE Interview Guide.



Disclosure Essentials

Strengthen your disclosure practice and digital examination procedures against the current statutory framework and AG Guidelines 2024



Investigation Essentials

Build confidence in triage, scoping, and investigation log practice from the very first day of an investigation.

Whether you are looking to explore our full range of in-house and open programmes, or simply want a straightforward conversation about your team's needs – we would be glad to talk it through with you. Get in touch for a free consultancy conversation. There is no obligation and no pitch.

Email

info@bdgtrainingconsultancy.co.uk

Website

www.bdgtrainingconsultancy.co.uk/investigations

Members Area

Request via the website, access to practitioner groups including PACE Interview Guide & resources

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