



INVESTIGATION PROCEDURE MANUAL

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Foreword by the Vice-Chancellor

When an incident occurs it is very important to know exactly and truthfully what happened. Hence an investigation of any nature is important in order to get to the bottom of the matter. By and large an investigation helps to find the reason and or causes for incidents that have happened. It also assists in finding the real background of criminal actions or misconduct in order to stop them from recurring and perhaps learn from them. It is an indisputable fact that an investigation also acts a crime or misconduct prevention strategy. It worth mentioning that an investigation is a tool of ensuring that the rights of an accused person are observed and that justice prevails at all times.

For the reasons mentioned above the University has developed an Investigation Procedure Manual that details the system which acts as a guide and ensures adherence to the ethics during any investigation process. The Manual defines best practices that guarantee a systematic approach to an investigation. Furthermore the Manual is aimed at reducing issues that result from insufficient understanding or of an investigation process.

Members of staff and students are therefore encouraged to familiarise themselves with this manual. They are also encouraged to co-operate with any person who has been tasked by University authorities to carry any investigation.

Professor Pardon K. Kuipa

Vice-Chancellor

Definition of terms

For the purposes of this Manual the following definitions apply:

Accused	: A person against whom a formal complaint of an allegation of a crime or misconduct has been made.
Complainant	: A person who makes a formal complaint to the Security Section or any other University official in order to remedy an alleged wrongdoing by another.
Complaint	: A verbal or written statement in which someone is alleging to have been wronged by another person.
Crime	: An act of commission or omission which is punishable by law.
External investigation	: This is an investigation that is conducted outside the University by non-University Security Section investigators.
Evidence	: This includes all legal means, exclusive of mere arguments, which tend to prove or disprove any fact.
Fact	: It is any event that can be perceived by any one of the five senses or any physical or mental condition of which a person is him/herself conscious.
Investigation	: This is the logical process of information-gathering in respect of an alleged crime or misconduct with the aim of coming up with a conclusion. The process is by interviewing complainants, witnesses and suspects seeking corroboration or rebuttal of alleged facts. The process may include examining relevant documents (hard copies, electronic or otherwise). It also includes collecting and examining physical evidence that is relevant to the matter.
Misconduct	: It is a violation of University rules and regulations. It also includes any unacceptable behaviour by staff or students.
Statement	: An expression made orally or in writing.
Witness	: A person who sees an event taking place or who has knowledge of an event from observation or experience

1. Introduction

- 1.1 This Manual does not in any way intend to alter or displace any University regulation or policy. It aims at facilitating the process of any investigation that may be conducted by the Security Section or any other person appointed by the Vice-Chancellor to investigate any matter.
- 1.2 The purpose of an investigation is to explore in detail an allegation, claim or accusation. Its main aim is to examine the evidence in depth and to determine whether a crime or misconduct has been committed. This Investigation Procedure Manual has been prepared by Lupane State University Security Section for use by members of the University Security Section who are responsible for conducting investigation of crimes or misconducts committed by members of staff and students. The Manual has also been prepared for any external investigators who are seconded to the University Security Section to conduct such investigations.
- 1.3 The Manual establishes the methodology to be applied with respect to the initial and conduct of investigations. It does not in any way intend to alter or modify the normal police investigation procedure.

2. Authority to institute an investigation

- 2.1 The Vice-Chancellor shall, where necessary, direct that an investigation be carried out. The Vice-Chancellor shall give the investigator terms of reference which set parameters of the investigation.
- 2.2 Where cases are reported to the Security Section the Chief Security Officer shall, in consultation with the Registrar, direct that an investigation be carried out. The Chief Security Officer shall give the investigator terms of reference which set parameters of the investigation.

3. Authority of investigators

- 3.1 Investigators are empowered in the performance of their duty by the authority vested in them by the Vice-Chancellor.

4. Accountability

- 4.1 The Chief Security Officer is accountable for the management of all investigations and investigators employed within the Security Section.
- 4.2 Investigators are accountable to the Chief Security Officer who is responsible for their proper performance and the quality of work allocated to them.
- 4.3 The Chief Security Officer will manage the scope and course of each investigation and determine the responsibilities of each investigator.
- 4.4 The Chief Security Officer will determine whether any reported case or alleged misconduct should be investigated.
- 4.5 If the Chief Security Officer decides that the matter shall not be investigated he/she must be guided by the following reasons:
 - a. The complaint is very minor or trivial.
 - b. There is a better solution to the matter other than an investigation.
 - c. There are no clear or credible grounds to justify an investigation to be carried out.
 - d. The information or evidence provided by the complainant provides no or clearly insufficient grounds to warrant an investigation.
 - e. The complaint is considered malicious or defamatory.
 - f. The complaint is made with knowledge of falsity.
 - g. The matter is already under investigation or has been investigated before and finalised.
- 4.6 The Chief Security Officer will determine whether any reported case or alleged misconduct should be referred to the police. This shall be done in consultation with the Registrar.

5. Professionalism, integrity and ethics

- 5.1 Investigators must maintain the highest standards of integrity and ethical conduct.
- 5.2 Investigators must declare any conflict of interest in relation to cases that they will be investigating and where possible recuse themselves from the investigation process.
- 5.3 Each investigation will be conducted in accordance with the Investigation Procedure Manual.

- 5.4 Each investigation must be conducted professionally and efficiently to ensure that all cases are explored meticulously and thoroughly.
- 5.5 If external assistance is required i.e., police, expert individuals, organizations or any identified individuals or bodies, in connection with an investigation a request for such assistance shall be approved by the Registrar.

6. Confidentiality and security

- 6.1 The confidentiality of an investigation shall be observed by the Chief Security Officer, investigators, the complainant, witnesses and all other individuals required to assist in the conduct of any investigation including administrative staff members and other personnel who include translators and interpreters.
- 6.2 Each investigator is responsible for the confidentiality and security of their respective investigation files (dockets) and physical evidence collected and retained during the course of an investigation.
- 6.3 In order to prevent victimization of witnesses investigators shall, by all means possible, protect them from any conceivable harm.
- 6.4 Investigators shall remind complainants, witnesses, suspects, translators and interpreters during the course of an investigation that they are bound by the provisions of confidentiality.
- 6.5 The obligation of confidentiality shall not cease upon separation from the University.
- 6.6 Unauthorised disclosure of information pertaining to an investigation or the identity of any person who is part of the investigation process may constitute misconduct liable to disciplinary action.
- 6.7 All persons involved in any investigation shall not communicate to any person (except to their legal representative) any information or evidence without the authority of the Registrar.
- 6.8 No superior shall, without a valid reason, prevent any person from attending an investigation interview.

6.9 Information gathered in the course of the investigations shall be transmitted by the Chief Security Officer to the Registrar in the event that disciplinary action is being considered or recommended.

7. Reporting of crimes and misconducts

7.1 All University personnel, including students, have a responsibility to report any crime or misconduct to the Security Section.

7.2 Crimes or misconduct may be reported to the security office using any of the methods below:

- a. Personal visit to the security office.
- b. Telephone, email or suggestion box.

7.3 Any retaliation against personnel for reporting alleged crime shall continue a misconduct and disciplinary action may be taken against any person responsible for any retaliation.

8. Conducting an investigation

8.1 All investigation activities will be conducted in accordance with the provisions of this Manual.

8.2 Upon receipt of a complaint or an allegation of crime or misconduct the Chief Security Officer shall assign an investigator to make a preliminary evaluation of the complaint or an alleged crime or misconduct.

8.3 During the preliminary evaluation the investigator shall:

- a. Establish the basic facts such as;
 - i. Date and time of occurrence.
 - ii. Exact location.
 - iii. Full names, addresses and phone numbers of all persons involved.
 - iv. Full names, addresses and phone numbers of all witnesses.
 - v. Events leading up to the complaint or alleged crime or misconduct.
 - vi. Witness account of the complaint or alleged crime or misconduct.

- 8.4 The investigator shall at the same time:
- a. Make notes of the critical elements of the questions and answers. These will be used to compile a statement by the complainant or witness on Security Section Statement Form LSU Sec CD 4 (see appendix D).
 - b. Secure all evidence that may be necessary for a full investigation to be carried out.
 - c. Identify any inconsistencies in the complaint or allegation of crime or misconduct as well as any outstanding questions.
- 8.5 The preliminary evaluation by the investigator should determine either the need for a full investigation or for an alternative option.
- 8.6 If the complaint or allegation warrants a full investigation, the investigator shall allocate a case number and commence the investigation.
- 8.7 The results of any investigation will be evaluated by the investigator in consultation with the Chief Security Officer and any of the following recommendations may be made depending on the circumstances:
- a. Internal disciplinary action be taken against the suspect.
 - b. Refer the case for resolution elsewhere.
 - c. Refer the matter to the police for a possible court hearing.
 - d. No further action must be taken on the matter.

9. Interviewing and recording complaint or witness statement

9.1 The investigator shall always ensure that another person is always present while interviewing a complainant or witness as well as during the recording of the witness statement.

9.2 At the commencement of the interview the investigator shall:

- a. Identify him/herself and the other person present to the interviewee (complainant or witness) and explain the nature of the investigation.
- b. Record the particulars of the interviewee in the appropriate form. Particulars will include:
 - i. Surname
 - ii. First and middle names
 - iii. National identity number

- iv. E. C or student number
- v. Department or Section
- vi. Faculty, Department, programme and year (if student).
- vii. Home address
- viii. Contact telephone number (cellphone and land line)

- 9.3 Complainants or witnesses shall be given an option to either write their own statements or have them written for them by the investigator.
- 9.4 Where the investigator writes a statement on behalf of the complainant or witness he/she will provide the draft statement to the complainant or witness to correct or amend until satisfied that it is an accurate account and that all relevant facts have been recorded.
- 9.5 Should the complainant or witness elect to write statements for themselves these will be in draft form and will later be transferred to Security Section Statement Security Section Form LSU Sec CD 4.
- 9.6 After printing the statement the complainant or witness will be invited to sign and date it. The investigator will also append his/her signature to it.
- 9.7 All original documents will be retained by the investigator and attached to the completed docket.
- 9.8 If the complainant or witness refuses to review or sign the statement, the investigator will record this at the bottom of the statement and ask the other person present to countersign as witness that the complainant or witness refused to sign his/her own statement.
- 9.9 If a pre-prepared statement is submitted in the course of an investigation this should be accepted by the investigator and be transferred to Security Section Form LSU Sec CD 4.
- 9.10 Where necessary the investigator may re-interview the complainant or any witness to clarify important facts that may have arisen during the course of an investigation.

10 Interviewing and recording suspect's statement

- 10.1 After recording statements from the complainant and witnesses the investigator will try to find evidence that links the suspect to the complaint or an allegation of crime or misconduct.
- 10.2 Suspect's interviews will normally take place after all witnesses have been interviewed to enable him/her to provide any mitigating facts on the gathered evidence.
- 10.3 The investigator shall always ensure that another person is always present while interviewing the suspect as well as during the recording of the suspect's statement.
- 10.4 The investigator will invite the suspect and do as in 9.2 above.
- 10.5 The investigator shall caution the suspect before asking if he/she wishes to make a statement in his/her defence.
- 10.6 The caution shall be in the following or similar terms:

"While I am informing you that you are not obliged to say anything in answer to these allegations your failure at this stage to mention any fact relevant to your defence may result in a subsequent disciplinary hearing/court trial drawing inferences against you".

"Do you wish to say anything in your defence"?

- 10.6 Should the suspect say he/she does not wish to say anything this shall be recorded in the Warned and Cautioned Statement form (see appendix E).
- 10.7 Should the suspect say he/she wishes to make a statement he/she shall be given an option to either write the statement him/herself or have it written by the investigator.

- 10.8 Should the suspect elect to write his/her own statement it will be in draft form and will later be transferred to Security Section Statement Security Section Form LSU Sec CD 5 (see appendix E).
- 10.9 Should the suspect elect the investigator to write his/her statement the investigator shall record the exact words said by the suspect.
- 10.10 Where the investigator writes a statement on behalf of the suspect he/she will provide the draft statement to the suspect to correct or amend until satisfied that it is an accurate account and that all relevant facts have been recorded.
- 10.11 A suspect making a statement must not be cross-examined and no questions should be put to him/her about it except for the purpose of removing ambiguity in what he/she has actually said or written.
- 10.12 After printing the statement the suspect will be invited to sign and date it. The investigator will also append his/her signature to it.
- 10.13 If the suspect refuses to review or sign the statement, the investigator will record this at the bottom of the statement and ask the other person present to countersign as witness that the suspect refused to sign his/her own statement.
- 10.14 All original documents will be retained by the investigator and attached to the completed docket.

11. Cooperation with the investigator

- 11.1 All persons identified as witnesses or suspects in any matter reported to the Security Section are required to cooperate with the investigator. They are also required to answer questions put to them by the investigator and to comply with requests for any information related to the matter under investigation.
- 11.2 A refusal to take part or cooperate during an investigation or any hostility displayed by

any witness or suspect during an interview will be noted and may be reported by the Chief Security Officer to the Registrar.

12. Interview administration

12.1 Interviews should be conducted in a reasonably quiet and comfortable setting to allow the investigator and the interviewer to concentrate without distractions.

12.2 All investigation interviews must be conducted at places where confidentiality is guaranteed.

12.3 The layout of an interview room should allow investigators to conduct the interview and take notes.

12.4 The investigator shall provide all the necessary stationery needed for the investigation.

12.5 All final statements shall be recorded on official Security Section forms. Only in exceptional cases will this not be done.

12.6 Interviews should be flexibly adapted and if they are lengthy, reasonable breaks should be considered. Any break should be noted down by the investigator in the Investigation Diary LSU Sec CD 3 (see appendix C).

12.7 Requests by an interviewee to have a third party, i.e. legal representative, present at interview may be considered by the investigator provided that the third party will not interfere with the interview process. Where the investigator has reasonable belief that the third party is interfering with the interview process he/she may request him/her to leave the interview room.

12.8 Details of third party shall be noted by the investigator and in the event that he/she is requested to leave the interview room this shall also be recorded.

13. Evidence handling and storage

13.1 Evidence seized by an investigator must be labeled, recorded and secured in suitable storage under lock and key.

13.2 Any evidence that requires specialist forensic examination shall be kept stored in such a manner so as to preserve it.

- 13.3 The label on seized evidence must include details such as case reference number, date, location, and description of the evidence, name of the investigator and subsequent handling, i.e. for forensic examination, etc.
- 13.4 If evidence is subjected to specialist analysis, the date, location and name of the analyst who takes custody of the item must be recorded. A similar entry must be made when it is returned.
- 13.5 Evidence register book should provide an unbroken 'chain of custody' from seizure to disposal of the property.

14. Docket management

- 14.1 All completed dockets together with relevant evidence shall, within the stipulated time, be handed over to the Chief Security Officer.
- 14.2 The Chief Security Officer shall, together with the investigator evaluate the case.
- 14.3 The Chief Security Officer shall then forward the docket to the Registrar with any of the following recommendations:
 - a. Internal disciplinary action be taken against the suspect.
 - b. Refer the case for resolution elsewhere.
 - c. Refer the matter to the police for a possible court hearing.
 - d. No further action must be taken on the matter.

15. Finalised cases and archiving of dockets

- 15.1 Where the matter is dealt with internally the Registrar shall notify the Chief Security Officer of the outcome of the case and return the docket to the security office.
- 15.2 The docket shall then be kept in University archive.
- 15.3 Where for any other justifiable reason a docket has not been completed it shall be kept for a period of three years and, with the authorisation of the Registrar, be destroyed.

16. Custody of the policy

The Chief Security Officer is the custodian of this policy.

17. Policy review

This policy shall be reviewed every three years and as and when the need arises



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SECURITY SECTION

CRIME /MISCONDUCT DOCKET COVER

Case No: LSU _____

Date: _____

Crime/misconduct: _____

Complainant: _____

National ID or student number: _____

Residential address: _____

Business address: _____

Contact phone number: _____

Accused/suspect: _____

National ID or student number: _____

Residential address: _____

Business address: _____

Contact phone number: _____

Investigator: _____

Docket to be completed on or before: _____

Docket classification: A B C

Key: A = Petty cases and docket to be completed within 48hrs. (Accused and complainant are available).

B = Petty cases and docket to be completed within 7 days. (Accused is unknown)

C = Serious cases that need enough time to investigate.



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SECURITY SECTION

CASE OUTLINE

Case No: LSU _____

In the matter of: _____ (hereinafter called the complainant)

Vs.

_____ Age _____ Years (hereinafter called the accused person)

Summary

1. The accused person resides at _____
and is employed at _____ as _____

or

is student at Lupane State University in the Faculty of _____
Department _____ Programme _____ Year _____

2. The complainant is _____

3. On _____ at _____

4. Brief Circumstances _____

5. The accused had no right to act in the manner he/she did.



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**SECURITY SECTION
INVESTIGATION DIARY**

REF	DATE	TIME	EVENT	REMARKS
<p>CONFIDENTIAL</p>				



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**SECURITY SECTION
WITNESS STATEMENT FORM**

Case No: LSU _____

DATE: _____

Title: Dr. Mr. Mrs. Miss. Ms.

Other

Name: _____

National ID Number: _____

LSU EC No/Student Number: _____

Department (Programme and Year if student): _____

Residential address: _____

Phone number: _____ Cell phone number: _____

STATES: _____

Signed _____

Date _____

Witness _____

Date _____



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SECURITY SECTION WARNED AND CAUTIONED STATEMENT

I, _____ National ID Number: _____

LSU EC/Student Number: _____

Department (Programme and Year if student): _____

residing at: _____

Having been told that enquiries are being made into the alleged crime/misconduct of: _____

contrary to _____

and that it is alleged that at _____

on _____ 20____ at _____ hrs, I _____

and having been warned that:

“While I am not obliged to say anything in answer to these allegations my failure at this stage to mention any fact relevant to my defence may result in a subsequent disciplinary hearing/court trial drawing inferences against me”.

Note that:

1. You have the right to be informed of promptly of charge(s) in sufficient detail to enable you to answer it.
2. You are allowed to have time and facilities prepare a defence report.
3. You are allowed at your own expense to contact and consult a lawyer of your own choice.
4. You are not forced to make a confession.
5. You are considered innocent until proven guilty by a lawfully constituted Disciplinary Committee or Court of Law.

Do you understand the caution? _____

Do you wish to say anything in answer to these allegations? Yes/No

I, _____ wish to make the following statement:

Signature _____

Date _____

Witness _____

Date _____

**I HAVE MADE THIS STATEMENT AND APPENDED MY SIGNATURE TO IT OF MY OWN FREE
WILL WITHOUT ANY DURESS OR PROMPTING WHATSOEVER**

Signature _____

Date _____

Witness _____

Date _____

Approved: _____

Date: _____