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| ONR Guidance Document  The Role of the ONR Material Officer |



ONR Guidance Document

The Role of the ONR Material Officer

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# Introduction

1. The ONR Material Officer is an integral part of any investigation team. They are DDS from the ONR Investigation Core Team (ICT) who support an investigation team. They provide essential administrative and investigative support.

## Purpose and Scope

1. This guide describes and defines the Material Officer’s role. It should be read in conjunction with the ‘Guide for Managing Investigation Grab Bags’ [1] and the ‘Guide for Managing ONR Investigation Material’ [2].

# Material Officer Role

1. The Material Officer assists the investigator(s) with the correct handling of material collected during the investigation. This involves working closely with the Material Store Management Officer (MSMO), to ensure that material is correctly labelled so that the integrity and continuity of the evidence chain from the point of collection by the investigator to its final disposal is properly managed. It also involves the creation and maintenance of ONR Schedules of Material, the creation of material working copies and similar material, and ultimately for managing the archiving or disposal of any material collected or generated during the investigation.
2. The role may involve liaising with the Health and Safety Laboratory, part of HSE’s Science Division, if material was sent to their site for storage or examination. Further guidance can be found in ‘Accessing Health and Safety Laboratory Services for Investigation Purposes’ [3].
3. The Material Officer may support the investigation team by, for example, supporting taking witness statements, interviewing suspects, and liaising with ONR’s solicitor agents or other advocates. The Material Officer should agree extra tasks with their Career Development Manager (CDM), and record this in the Key Decision Log (KDL). A template of the KDL is available in HOW2.

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# Material and Disclosure

1. ‘Material’ is material of any kind, including information and objects which is obtained or inspected in the course of a criminal investigation, and which may be relevant to the investigation. This includes material coming into the possession of the investigator (such as documents gathered in the course of an investigation, photographs, real evidence such as valves or pipe etc.) and material generated by the investigator during the investigation. It also includes material that ONR already holds, such as previous safety cases. This definition comes from section 2 of the Criminal Procedures and Investigation Act 1996. The Act applies to the English and Welsh jurisdiction.
2. In the Scottish jurisdiction the definition is different; Section 116 of the Criminal Justice and Licensing (Scotland) Act 2010 defines 'information' as, in relation to an accused, material of any kind given to or obtained by the investigator/prosecutor in connection with the case against the accused. Practically, ‘information’ in Scotland and ‘material’ in England and Wales are the same; throughout the rest of this document the term ‘material’ should be read to be the same in both jurisdictions, and the same processes for gathering material for evidence should be applied.
3. There are requirements in both jurisdictions to disclose material to other parties. Disclose in this context means revealing information that one party in any potential court case holds to the other. Disclosure will be the subject of other guidance [4] but it is important that any material collected or generated during an investigation is correctly recorded. Otherwise, the legal requirements of disclosure cannot be met.

## Background Information

1. Figure 1 illustrates how material that forms part of an investigation may be categorised and consequently treated.

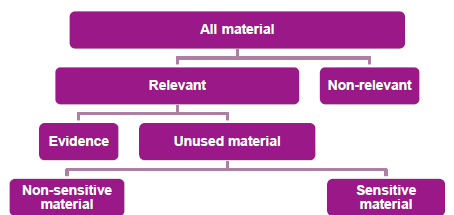


Figure - How material that forms part of an investigation may be categorised and treated

1. ‘Relevant’ material is material that appears to have some bearing on any offence under investigation or any person being investigated or on the surrounding circumstances of the case. Non- relevant material is material which is incapable of having any impact on the case.
2. For the purposes of disclosure, it is the relevant material that has to be properly classified and recorded.
3. Evidence is the material that is used in a prosecution case to prove that an offence has been committed. The remaining relevant material is unused but is further categorised as non-sensitive or sensitive material.

## Guidance

1. It is not the role of the Material Officer to classify the material; that activity falls to the lead investigator in their role as disclosure officer. However, it is the role of the Material Officer to create and maintain the ONR Schedule of Material, working closely with and being guided by the lead investigator. A template ONR Schedule of Material is found on HOW2. Support to the investigation team, and reasonable administration is discussed in the following sections of this document.

# Integrity and Continuity of Evidence

1. Guidance on the integrity and continuity of evidence is in ‘Guide to Collecting and Exhibiting Material as Evidence’ [5] and in ‘Collecting Productions for Use in Criminal Proceedings in Scotland’ [6]. The Material Officer should understand this guidance and should not accept material as evidence from the Investigating Officer unless the material is exhibited in accordance with the guide.
2. The investigator passes any material collected to the Material Officer.   
   The Investigator notifies the Material Officer of what to log onto the Schedule of Material collected and its disclosure classification, what needs to be saved into CM9 and handover any material that needs to be secured in the material storeroom. The Material Officer will record the material as directed, in the Schedule of Material, check that the investigator has properly exhibited it (or that the investigator will exhibit the material in their statement they will create towards the end of the investigation), and then pass it to the MSMO for secure storage. Material Officers and Investigators should meet regularly to review the schedule contents. There should also be regular meetings between the Material Officer and the MSMO to ensure evidence protocol has not been challenged.

# Supporting the Investigation Team

1. Material Officers should regularly liaise with the lead investigator to establish what support is required. The level of support can vary through the process of the investigation and between investigations. Also, liaison is important so that the Material Officer can report back to their CDM on any additional demands on the Material Officer’s time allocated to the investigation.
2. All ONR offices have Material Officers and MSMOs, so staff in these roles can call on advice and guidance from other members to help them should require it.
3. Should the investigation team consist of members from more than one ONR office then the Lead Investigator needs to decide how the team operates, manages material and the welfare of all team members.
4. Should investigators in an investigation team be from different ONR offices then it is recommended that a Material Officer from each office supports the Investigation and does so from their home office. That way all investigators supporting an investigation have Material Officers to support them and Material Officers can work together which in turn provides resilience for one another and build their knowledge and competence.

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# Material Management

## Administrative Preparation

1. Effective record keeping of material collected and generated is important.   
   The following tasks are to be carried out by the Material Officer at the start of the investigation.

* Open new CM9 Folders – It will be easier to manage the material electronically using more than one CM9 folder. Suggestions are:
  + Investigation Management
  + Material collected
  + Witness statements
  + Process papers
  + Communication
* Ensure that access to this folder is only for those who are involved with the investigation. If needed, set up a folder group.
* The record number should be under 4.7… Investigations Series
* The following naming convention should apply:

SECURITY CLASSIFICATION – INVESTIGATION NO. – INVESTIGATION TITLE – FOLDER CONTENTS - YEAR

* Create a schedule of material log using the HOW2 template and save into the investigation management CM9 folder.
* Ask the Lead Investigator how many working copies they would like and create a contents page for the Original and Working Copy/Copies files. Creating 1-2 working copies is expected and excessive amounts can be difficult to manage for all investigation team members. If Material Officers feel it is excessive then they can challenge the amount required. (‘Working copies’ are copies of the document which was originally collected by the investigation team.)

## Routine Administration

1. For handling and accounting of Classified Documents, additional control measures are in place. It is important to manage the material securely and in compliance with the [Government Security Classifications (GSC)](https://www.gov.uk/government/publications/government-security-classifications). ONR have [user guides](http://communities/connect.ti/ONRIntranet/view?objectId=213747) available to all staff in storing, handling and destroying classified material. It will be the responsibility of all members of the investigation team to handle and account for material at all stages until it is handed over to the MSMO. The MSMO will then manage the material to the correct standards.
2. Investigators can keep working copies as they will use them when carrying out the investigation. They will have their own arrangements for securing the working copy material. Remind them to store working copies in the material storeroom cabinets when they are not required.
3. When there is involvement of specialist(s) and/or independent expert(s) the investigator may request that the Material Officer opens a separate CM9 folder to contain their work instruction and working copies of selected material. Also, a folder contents list saved into CM9 would be helpful.
4. Prior to the independent review of the investigation by the Approval Officer, the investigator may ask the Material Officer to create a folder that contains the Investigators memo, expert witness report and a number of relevant documents and exhibits.

## Further Support

1. Members of the Investigation Core Team and other DDS Material Officers are available for advice and guidance. If they are not able to help then the next point of contact for advice, guidance and support should be the Investigation Resource Group.
2. A current list of members in the Sub-Specialism can be found under CM9 2018/97557.

# References

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| [1] | ONR, “ONR-ENF-GD-015 - Guide for Managing Investigation Grab Bags”. |
| [2] | ONR, “ONR-ENF-GD-016 - Managing ONR Investigation Material”. |
| [3] | ONR, “ONR-ENF-GD-019 - Accessing Health and Safety Laboratory services for investigation purposes”. |
| [4] | ONR, “ONR-ENF-GD-026 – Conducting Investigations Disclosure Guidance”. |
| [5] | ONR, “ONR-ENF-GD-012- Guide to Collecting and Exhibiting Material as Evidence”. |
| [6] | ONR, “ONR-ENF-GD-014 - Collecting Productions for Use in Criminal Proceedings in Scotland”. |