

Sindh Police

INVESTIGATION POLICY OF SINDH POLICE

Introduction:

The following framework is in place to ensure investigations of cases are carried out accordance with law. This structure -- provisions of Police Order and standing orders - constitute the core of investigation policy of Sindh Police. While submitting to existing legal framework, Sindh Police re-affirms that every effort shall be made to ensure that all investigation of cases are carried out in accordance with the law.

1.0 Police Order 2002

According to article 8 (2a) of Police Order, 2002, investigation is recognized as a major function of police organization. Separate establishment is required to be constituted for investigation functions under article 7(1) of Police Order 2002. In pursuance of the pre-requisite of law, Sindh Police has separate investigation a wing in each district under its own hierarchy headed by SP Provincial Investigation Branch has also been established under Addl: IG (Investigation) with SP/AIG at each region.

1.1 Specialized and dedicated staff

All investigations are entrusted with specialized staff. The chain of command of investigation staff is separate and distinct from watch and ward. According to Article 18(4), "all registered cases shall be investigated by the investigation staff in the district under the supervision of the head of investigation". Cases of lesser importance may however be investigated by the operations branch if so authorized by government. "Government, may entrust investigation of offences under Local and Special Laws as defined in the Pakistan Penal Code and punishable with imprisonment for a term not exceeding three years with or without any other punishment, to the police station staff" .:

1.2 Distinct change of command

Investigation is the only function with a distinct chain of command at every level of policing in the field. Article 8(3) provides "specialist investigators shall be operationally responsible to the officer incharge of the investigation branch." Senior officers are dedicated to investigation wings. According to Article 18, "the head of investigation in a general Police area other than the Capital City District or the City District shall be of the rank of Additional Inspector General of Police" and "The head of investigation in a Capital City District or City District shall not be below the rank of Senior Superintendent of Police".

1.3 Autonomy of investigation staff in routine work

The crucial relationship of District Police Officer with Head of investigation has been delineated to ensure maximum autonomy of the investigation while ensuring that resource of operational branches are always available to assist the investigation staff. According to Article 18(3), "the head of investigation in a District shall not be below the rank of Superintendent of Police and shall be responsible to his own hierarchy subject to general control of the District Police Officer." Furthermore, according to article 18(5), "the District Police Officer shall not interfere with the process of investigation. The head of investigation shall however keep the District Police Officer informed of the progress of all cases which have a bearing on public order. The District Police Officer shall provide full support to the Head of investigation in the performance of his duties."

At the other operationally critical link i.e. police station, investigation staff has also been given similar autonomy while ensuring smooth relationship between operations and investigation branches. "The investigation wing", according to Article 18(3), "shall be located within the Police Station and shall be responsible to its own hierarchy in the District under the general control of Officer-in-Charge of the Police Station".

Explanation to Article 18 further defines the relationship of investigation staff at the police station level with the Station House Officer and Head of Investigation with the District Police Officer: The term "general control" has been defined by law i.e. Police Order 2002 as the relationship between the authority of the Officer-in-charge of Investigation in a District or a Police Station and the District Police Officer and officer-in-charge of the Police Station as the case may be. This relationship requires full support to the officer-in-charge of Investigation in the performance of his duties and officer-in-charge of Investigation shall coordinate with the District Police Officer of Officer-in-Charge of the police station, as the case may be, and provide information to him on all matters which have a bearing on watch and ward and public order functions. Any directions in this regards by the officer versed with general control shall not explicitly or impliedly interfere in the conduct of investigation or transfer of investigation and diversion of manpower or resources of Investigation to other police functions."

1.4 Restriction on change of investigation

Frequent change of case officers was a major source of interference in investigation in the past. Article 18(4) of Police Order 2002 has corrected "It says Investigation shall not be changed except after due deliberations and recommendations by a board headed by an officer not below the rank of Senior Superintendent of Police and two Superintendents of Police, one being in-charge of the investigation of the concerned district." Moreover, "the final order for the change of investigation shall be passed by head of investigation in the general police area who shall record reasons for change of such investigation" and that "the second change of investigation may only be allowed with the approval of the Provincial Police Officer, or the Capital City Police Officer, as the case may be".

1.5 Role of Public Safety Commissions and Zila Nazim

Articles 44, 81, and 91 of Police Order, 2002 regulate the functions and powers of district, provincial and national public safety commissions. It is clear that none of these commissions have a role in day to day policing. These commissions are required to work through the police hierarchy and can take action only after requisite enquiry is conducted. Coordination of commissions is mainly with the watch and ward (operation) branch of police.

Article 33 of Police Order 2002 regulates the relationship between the Zila Nazim and the DPO. It is clear that investigation functions are not subject to Zila Nazim's supervision in any manner whatsoever: The said article reads "Head of District Police shall be responsible to the Zila Nazim for police functions under this Order but shall not include administration of the district police, investigation of criminal cases and police functions relating to prosecution, which shall rest with the police."

2.0 Administrative Instructions

Standing order No 190 was issued by Sindh Police in 2003 to streamline the working of the investigation staff and improve its coordination with the operation branch.

Standing order No 197 was issued by Sindh Police in 2004 to regulate the working of the Additional Inspector General of Police (Investigation) Sindh.

Standing order No 189 was issued by Sindh Police in 2003 to regulate use of funds given to investigators for functions like movement of police for arrest of accused, meals, collection of evidence, recording of statement of witnesses and miscellaneous paper work.

Standing orders Nos 194 and 199 were issued by Sindh Police in 2004 to regulate the administrative processes of changes in investigations.

Standing order No. 208 was issued by Sindh Police in 2005 to regulate the investigation and submission of challan of cases registered under local and special laws. All cases under Pakistan Penal Code were ordered to be investigated by the investigation staff and cases under local and special laws were to be investigated by the operations branch.

Capacity Building

Sindh Police is making constant efforts to enhance capacity of the investigation staff. Various projects are in hand to enhance investigation capacity and improve the standards of investigation.