

Post Incident Procedure

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Post Incident Procedure

- Implemented in all cases where there has been a Death following Police Contact.
- Where shots have been discharged by Police **Authorised Professional Practice(APP) - Module 7 refers. (currently under review)**

Authorised Professional Practice APP

Module 7

- Post Incident Investigations will commence in all situations where there has been a discharge of a weapon by the police (from either a conventional firearm or a less lethal firearm) whether intentional or unintentionally which has or may have:
 - Resulted in Death or Serious Injury.
 - Revealed Failings in Command.
 - Caused Danger to Officers or the Public.
 - In Public Interest.

ECHR Article 2

Creates an obligation on the State to investigate all Deaths caused by an Agent of the State. The investigation must:

- Be robust and independent.
- Be prompt and expeditious.
- Be capable of leading to a determination as to whether force was justified and to identifying those responsible.
- Next of Kin must be sufficiently involved to safeguard their legitimate interests.
- Be open to Public Scrutiny to ensure accountability.

Roles

- **OFC**-Operational Firearms Commander
- **TFC**-Tactical Firearms Commander
- **SFC**-Strategic Firearms Commander
- **ACPO**-Association of Chief Police Officers
- **PIM**-Post Incident Manager
- **AO**-Appointed Officer
- **IIO**-Initial Investigating Officer
- **IPCC**-Independent Police Complaints Commission
(England & Wales)
- **PIRC**-Police Investigatory Review Commission
(Scotland)

OFC

- Remains operationally active until stood down.
- Ensure scene protected and evidence preserved until arrival of **IIO**.
- Identify subject(s) weapon and secures in situ unless dangerous to do so.
- Ensures weapon safety check by all officers.
- Liaises with **IIO**, Scene of Crime Officer (**SOCO**), supervises unloading of officers weapons.

TFC

- Remains operationally active until stood down.
- Ensures scene protection.
- Considers safety of public and police and welfare of casualties.
- Along with **ACPO**, **IIO** and **PIM** considers who should be a Key Police Witness (**KPW**).
- Ensures transfer of officers to PIM suite.
- Briefs **IIO**.
- Briefs **SFC**.

PIM

- Is not responsible for the Investigation but for instigating, managing and ensuring the integrity of the Post Incident Process.
- Along with **ACPO**, **IIO** and **TFC** considers who should be a Key Police Witness (**KPW**).
- Responsible for the physical and emotional welfare of officers, considers attendance of Force Medical Examiner (**FME**).
- Ensures officers have access to telephone to contact relatives or friends.
- Secures early legal advice.
- Liaises with **IIO** and **IPCC or PIRC**.

AO Appointed Officer

- Must be an Accredited PIM
- In addition to PIM, must not have had any operational or investigatory involvement in the incident.
- Will provide warning about conferring, they are present to ensure there is no inappropriate conferring.
- Supervise Key Police Witnesses (**KPW**) during the giving of initial accounts.
- Supervise Key Police Witnesses (**KPW**) during the giving of detailed statements.
- Will not be present during any private consultation with Fed Rep or Legal Rep.

IIO

- Will be a CID Officer from Host Force.
- Will liaise with **IPCC or PIRC**.
- Along with **ACPO, TFC** and **PIM** considers who should be a Key Police Witness (**KPW**)
- Secures and preserves evidence.
- Liaises with **TFC** and **PIM**.

Key Police Witness (KPW)

(Term now used instead of Principal Officer)

- Decision as to who should be a **KPW** made by **ACPO, IIO, TFC** and **PIM**.
- **KPW** is any person who used force, or was responsible for any decision to use force.
- This will include any Officer who pointed firearm, used firearm, restrained person or used first aid on that person.
- This may include the **OFC, TFC**, Tactical Advisor (**TA**), **SFC**, Control Room Staff.

CNPF PiP Trained Rep

- To represent and assist throughout the whole procedure.
- To provide Welfare support throughout.
- To ensure legal support is provided on the day and throughout the whole process.
- To act as a liaison.
- Details of CNPF PIP trained officers held with FIM.
- Fed Rep does not hold legal privilege.

CNC-How Post Incident Procedure will be Implemented

- CNC is unique because of the geographic spread of all the units.
- There is an memorandum of understanding (MOU) with all the Host Home Office Police Forces.
- The initial **PIM** will be from Host Force and CNC will utilise there Post Incident Suite.
- CNC **PIM** will also attend.
- CNPF post incident trained rep will also attend.

Anonymity

- The **PIM** should seek authority from **ACPO** to implement Anonymity at early stage.
- Officers must be under no delusion that this decision can be changed by Coroner or Judge.
- Pseudonym will be given to **KPW**.
- Officers encouraged to keep confidentiality.
- **PIM** keeps list of officers details.
- Anonymity unlikely to stay in place unless Terrorism Offence or because of specific threats.

IPCC-Independent Police Complaints Commission (England & Wales)

PIRC-Police Investigatory Review Commission (Scotland)

- Where shots have been fired resulting in any Death or Serious Injury this will be a Mandatory referral to the **IPCC** or **PIRC**.
- They will attend scene and PI Suite. The **PIM** will ask **KPW(s)** if they would like to see **IPCC** or **PIRC**, but there is no obligation at this time.
- They will be invited to observe the procedure.
- **KPW** can ask if they are being treated as Witnesses or Suspect at this time.
- Responsible for any Media Release, should provide details to **PIM** before any release.
- Can compel officers attend for interview, but cannot force them to speak.

Four Stages of Accounts

- Stage One - **Situation Report**: Immediately after the event normally by Radio to PCR or **TFC**, needs to be sufficient to enable **TFC** to implement Post Incident Procedure.
- Stage Two – **PIM Basic Facts**: Obtained whilst at Post Incident Suite ideally from someone who is not a **KPW**. Needs to cover who was in attendance, the officers roles and who fired the shots. Should only be given after legal advice and can be given in writing or verbally. **PIM** will Date, Time and Sign account. Original copy given to **IPCC** or **PIRC**, copy kept by **PIM** and copy given to officer supplying account.

- Stage Three – **Officers Initial Account:** Given on the day, subject to legal and medical advice. Should cover **Honestly Held Belief** on use of force, account should only consist of their recollection of events. (ensure copy retained by officer) **NOT done if officer is going to be under investigation.**
- Stage Four – **Officers Detailed Account:** Given after two sleeps or 48 hours after event. Given with assistance of Federation Solicitor. If relevant, should include why witness considered use of force/discharge of firearms to be absolutely necessary. Original copy given to **IPCC** or **PIRC** within 7 days of the event. **NOT done if officer is going to be under investigation.**

Conferring

- Should not be done unless there is a current operational reason.
- Reference material and Body Worn Video have fallen into this category.
- No conferring allowed in relation to Officers honestly held belief on use of force.
- If conferring takes place strict rules:
- Record **Why** and **What** was conferred, **Who** with and **When** and **Where**.
- **AO** will give conferring warning at PIM suite.
- **AO** will oversee the giving of initial and detailed accounts, to ensure the abeyance of the conferring rules.

Separation

- Will only be done when operationally safe to do so.
- Decision made by **PIM** or **ACPO**
- **Three reasons to Separate Officers:**
- Guidance not being complied with and officers may confer Inappropriately.
- Reasonable grounds to suspect that a criminal offence has been committed by KPW.
- Reasonable grounds to suspect that a disciplinary offence has been committed by KPW.
- If none of the above apply and AO present there should be no reason for separation.
- When IPCC or PIRC arrive they should be invited to observe.

Exhibits

- **IIO** in consultation with **IPCC/PIRC** will decide upon what exhibits to request.
- Other than the Firearms of **KPW(s)** any other request should be questioned as to why and the reasoning behind the request.
- Firearms from other officers.
- Blood.
- Clothes.

On Going Issues

- Gold Strategy Meeting, usually held every 28 days.
- Suspension should only be in exceptional situations.
- Remaining operational.
- Inquest.