

A guide to the authorised professional practice for post-incident procedures in death or serious injury (DSI) following police contact matters

**The core principles, key roles and specific responsibilities associated with a DSI investigation**



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## Introduction

This guide is designed to assist police officers and staff who are involved in an incident where the death of, or serious injury to, a member of the public occurs following police contact (a DSI); or have a role or specific responsibility within the procedure to be implemented in those circumstances. It is intended to provide a summary of the information that is relevant to individuals, based upon that involvement, role or specific responsibility. The full procedure is explained within the authorised professional practice (APP) for **post-incident procedures (PIP) in DSIs following police contact matters (APP-DSI-PIP)**.

The **European Convention on Human Rights (ECHR) Article 2** imposes a duty on the state to conduct an effective official investigation when individuals have been killed or seriously injured as a result of the use of force by the police. The Articles of the ECHR are contained in the **schedule to the Human Rights Act 1998** and are therefore incorporated into UK law. The requirements under ECHR Article 2 are relevant and can extend to any situation in which a DSI occurs; during an incident or operation where police are involved, regardless of whether force is used.



This guidance is not applicable where a DSI results, directly or indirectly, from the discharge of a firearm or less lethal weapon by a police officer or member of police staff. There is a separate **APP for armed policing (APP-AP)** which incorporates a post-deployment procedure and is reflective of the specific requirements and considerations of that procedure.

Any DSI incident will be referred to the Independent Office for Police Conduct (IOPC). The IOPC has issued **Statutory Guidance to the Police Service for Achieving Best Evidence in Death or Serious Injury Matters** which should also be considered together with the APP- DSI-PIP. The key considerations within the IOPC statutory guidance are referenced where appropriate.

The guide has been divided into four parts in order to focus on specific roles and associated responsibilities. All police officers and staff whose role brings them into direct or indirect contact with the public could potentially be involved in a PIP, and should be aware of the content of **Part 1** of the guidance as a minimum, in order to understand the procedure. Those with other specific roles should be aware of the part of the guidance that relates to their role, together with the preceding parts (eg, FDOs should be aware of **parts 1-3** inclusive).

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## Part 1:

# A guide for all officers and staff who may have direct or indirect contact with the public

Police officers/special constables/police community support officers (PCSOs)/control room and custody staff, and policing staff.

### What is a DSI?

A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in or as a result of a person's death or serious injury and:

- at the time of the DSI, the person had been arrested by a person serving with the police and had not been released, or was detained in the custody of a person serving with the police

or

- at or before the time of the DSI, the person had direct or indirect contact with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have directly or indirectly caused or contributed to the DSI. This sub-category excludes contact that a person suffering the DSI had while acting in the execution of their duties as a person serving with the police.

A serious injury is a fracture, deep cut, deep laceration or injury causing damage to an internal organ or the impairment of any bodily function (**section 29**, Police Reform Act 2002).

The circumstances surrounding a DSI **may not** involve the use of force by a police officer or member of police staff. Where reference to the use of force is made in this guidance, consider whether the specific guidance is relevant or applicable in those circumstances.

Where a DSI has resulted following police contact, it is in the interests of the public, police and everyone involved in the incident for all subsequent procedures to be open, transparent and demonstrate the integrity of all actions. There will need to be an investigation and the scope of the investigation is likely to be wide-ranging. It will include establishing the facts and drawing conclusions in respect of the DSI; the circumstances leading up to the DSI; and all the issues surrounding it, such as police activity, management and planning.

The procedure explained in this guide is designed to facilitate that investigation and ensure that the welfare needs of the officers and staff involved are appropriately considered.

When a DSI occurs, irrespective of whether force has been used, post-incident procedures ensure that investigations are conducted in a manner which:

- ensures the integrity of the legal process in respect of police action, persons arrested, or evidential material seized
- enables follow-up action related to any ongoing crime
- identifies any operational or safety-critical issues in respect of procedures, training or equipment used
- ensures individual, team and organisational learning takes place and is addressed locally and nationally, as appropriate.



## Who will investigate a DSI?

Where there is an allegation or indication that direct or indirect police contact may have caused or contributed to a DSI, there is a statutory requirement for police forces in England and Wales to refer it to the IOPC. In Northern Ireland, the referral will be to the Police Ombudsman for Northern Ireland and in Scotland, the Police Investigations Review Commissioner (PIRC). These organisations are generically known as independent investigative authorities (IIAs). The Health and Safety Executive may also undertake investigations.

On receipt of a referral the IIA will decide how the incident will be investigated and who will conduct the investigation. Depending on the circumstances and the severity of the injury, the IIA may decide to leave the force professional standards department (PSD) to investigate.

The responsibility for securing evidence and taking appropriate action in an Article 2 investigation remains with the police service until the IIA takes over the investigation. The responsibility of the police force being investigated is to facilitate the investigation through, for example:

- identifying and preserving scenes and exhibits
- identifying immediately-available witnesses
- securing physical evidence
- providing experienced family or witness liaison officers.

## What is a PIP?

Post-incident describes the period after a DSI, where the criteria for the implementation of a post-incident investigation have been met and an investigation into police action or inaction is to be conducted. It is not possible to identify or prescribe a time limit after which a DSI occurs and a PIP may be implemented. Any decision should therefore be based upon the circumstances and the nature of the investigation.

The associated procedure is scalable and, while all elements of the procedure should be considered, it may not be necessary to apply them every time. This will depend on the circumstances, significance and consequences of the event.

## When will a PIP be implemented?

The decision to implement a PIP rests with the chief officer or delegated senior officer with overall responsibility. An injury that meets the definition of a DSI, and therefore requires referral to the IIA, will not always require the implementation of a PIP. It will depend on the nature and severity of the incident and injury.

In the following circumstances a PIP must be given serious consideration in every case and implemented, unless it is clear that doing so would **not** add any value in terms of securing evidence or maintaining confidence in the investigation (see **How do I assess the necessity and/or scale of a PIP** below):

- the injury suffered is/may be life changing for the injured person
- the injury suffered is/may be life threatening for the injured person



- the circumstances of the DSI require/may require the declaration of a critical incident (see **APP Critical Incident Management**).

It may be appropriate to implement a PIP in other circumstances where an investigation is to be conducted and the procedure will assist the investigation.

### What is my role?

If you are involved in a DSI you are likely to be a witness or a key police witness (KPW).

### Witnesses

Witnesses can be members of the public, police officers, police staff or other emergency responders acting in their professional capacity who have witnessed the incident (whether by sight or sound).

### Key police witnesses (KPWs)

KPWs are police officers or staff who can give direct evidence of the DSI, or the circumstances leading to it. This definition is flexible, and must be interpreted according to the particular circumstances. KPWs may include those:

- who were at the scene and in contact with the person(s) deceased or seriously injured
- who immediately witnessed the incident
- who authorised, commanded or supervised police action
- who provided tactical advice.

As the investigation unfolds, others involved in the police operation may become KPWs.

In the initial stages of the investigation, all actions taken by witnesses and KPWs must be noted and carefully documented. These actions will include:

- securing evidence
- any discussion undertaken between witnesses and other persons
- any account given or facts recorded of the incident.

Prior to any KPWs providing accounts of what has happened, officers should:

- secure relevant exhibits
- address welfare, including offering medical and legal advice.

### Do I have any specific responsibilities?

Every police officer and member of staff who is involved in a DSI has a duty to act with integrity and to comply with the force policy and APP that is relevant to the incident and the subsequent PIP. Where an officer or member of staff has concerns that the integrity of the process is not being maintained, they must immediately address the person in charge of the post-incident process and ensure their concerns are documented.

For a witness or KPW in the DSI incident, who has no supervisory responsibility, this duty will primarily relate to providing their account of the incident and complying with the guidance about conferring with others who are involved in the incident. This will be explained in more detail within this guidance. Police officers and staff should ensure that all activity is transparent and capable of withstanding scrutiny.



Each individual police officer and member of staff involved in the incident is responsible for ensuring that any information relevant to the investigation is reported, recorded and retained. This information should include each individual's observations relating to the incident and any accounts received from witnesses. Once those involved have been able to make their initial accounts, the PIM will make arrangements to secure these accounts and make them available to the investigative authority.

Where a DSI has occurred the FDO must be informed immediately. The term FDO is used generically to describe the individual who is directly responsible for the force control room and has force command and control responsibility.

### Key roles within the PIP

There are a number of roles with specific responsibilities within the PIP which are described in this guidance. These are:

- **Initial investigating officer (IIO).** Responsible for taking early steps in the investigation prior to (and in preparation for) handover to an appointed investigator from an IIA or other department.
- **Investigator from an IIA or force PSD.** Responsible for the independent investigation of the incident and ensuring that the stated ECHR Article 2 obligations are met.
- **Chief officer (or delegated senior officer).** Overall responsibility for the PIP, including the decision to implement the PIP and the referral to the IIA.
- **Force duty officer (FDO).** Responsible for ensuring that the necessary and appropriate immediate actions are taken to ensure public and staff safety, securing evidence and making decisions related to KPWs.

- **Post-incident manager (PIM).** Responsible for facilitating, managing and ensuring the integrity of the PIP. Chief officers must ensure that appropriately selected, trained, assessed and accredited PIMs are available.
- **Appointed officer.** Responsible for supervising the gathering of the officers' evidence and ensuring compliance with the guidance on conferring before their accounts are recorded.

There are some additional roles that may be relevant to a PIP for which specific responsibilities are not described in this guidance (eg, federation, staff associations, trade unions and legal advisers).

### What should I do at the scene?

Where relevant, officers/staff should take all necessary and proportionate action to ensure that the incident is resolved and that the scene is safe. Officers/staff should remain operationally active until stood down. **Providing medical aid, where necessary, is a priority.**

In any DSI, the details of any persons injured or deceased (where known), should be reported to the control room and/or FDO as soon as practicable. Situational and safety-critical information should also be relayed as soon as practicable.

Where possible, and without compromising security of officers/staff and persons in the vicinity, action should be taken to secure the scene pending forensic examination, where considered necessary. The IIO, in conjunction with the IIA, will determine the extent to which the scene and potential exhibits needs to be secured.

Unless there is a safety-critical reason, do not remove police vehicles in which KPWs attended the scene without the express authority of the FDO or the IIO, in consultation with the IIA.



Where a DSI occurs, officers and staff are permitted, and may be required, to relay situational and safety-critical information to those involved in the ongoing management of the incident or operation. There are limits on what witnesses and KPWs can discuss, which will be explained in more detail within this guidance, and you will be reminded of the guidance in respect of conferring with others about the incident by a supervisor or the force control room.

### **What will happen to me?**

As soon as is practicable after the scene is safe or has been secured, those involved in the incident should return to a police station or other suitable location for post-incident procedures. This location is often referred to as a 'PIP suite' and will probably be somewhere that the procedure can be held without unnecessary interruption. It may be a building that you are not familiar with.

In most circumstances it will be for the FDO or on-scene supervisor (if present) to manage the scene and coordinate your transport to the PIP suite. This will assist in preserving the scene and enable officers and staff to attend to post-incident issues, including those of evidence and welfare, in a structured and sensitive manner.

Once the decision is taken to implement a PIP, a PIM will be appointed. The PIM will manage the process and ensure that your welfare is fully considered while the investigation into what has happened takes place. When you arrive at the PIP suite you will receive a briefing from the PIM who will explain what will happen next and support you through the procedure. The procedure may vary depending on the nature of the incident you have been involved in. You will be given the opportunity to consult representatives of your staff association or trade union as soon as practicable, and if it is appropriate and necessary, legal advice will be made available

to you. This is normal procedure and is not necessarily an indication that you have done anything wrong.

**This legal advice is generally provided by your staff association or trade union; if you are not a member there is no obligation for them to do so.**

Subject to any legal or medical advice, you will be required to at least provide a personal initial account of the incident before you go off duty. It may be appropriate, in the circumstances, to provide a full statement or detailed account; you will be advised and supported during this process by the PIM.

The purpose of the personal initial account is to record the witness' role, what they believe to be the essential facts and should outline their honestly held recollection of the circumstances, including their use of force if force is used. Detailed accounts may be made later.

### **Can I discuss what has happened (conferring)?**

Officers and staff should not confer with others before making their accounts (whether initial or subsequent detailed accounts). It is important that KPWs individually record their honestly held recollection of the circumstances. Therefore, there is no need for them to confer with others about what was in their mind at the time of the incident. The recall of witnesses can be affected by hearing the accounts of others.

This guidance should not prevent any officer/staff member from relaying operational or safety critical information to those involved in the ongoing management of the incident or operation. If there is a necessity to provide such information to another person then, in order to ensure transparency and maintain public confidence, the fact that conferring has taken place must be documented, highlighting:



- the time, date and place where conferring took place
- the issues discussed
- with whom
- the reasons for such discussion.

You should be reminded of the guidance in relation to conferring by a supervisor as soon as possible after the incident. Depending on the nature and seriousness of the incident, a staged approach may be applied to the accounts that you give. The four stages for the provision of accounts, from the initial verbal account to detailed written statements, is explained in the APP and will be managed by the PIM.

You should also avoid discussing the details with officers and staff not involved in the incident, unless there is an operational imperative to do so. This is to prevent rumours and to protect the identity of those involved.

## Part 2:

# A guide for supervisors whose staff may have direct or indirect contact with the public

Supervisors should have read **Part 1** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

### Do I have any specific responsibilities?

Your normal responsibilities as a supervisor remain unchanged. Where a DSI occurs and you are in a position to do so, you have some specific responsibilities within this procedure. The officers and staff that you supervise may have just been involved in a traumatic incident, and you may also be involved and affected. It is important that you provide an appropriate level of support and direction, and discharge your responsibilities both as a supervisor and in respect of the PIP.

The FDO has a number of responsibilities and things to consider. Due to the likelihood that they will be remotely located, they may delegate some of those responsibilities and actions to you. You may therefore wish to familiarise yourself with the responsibilities that the FDO may delegate to you. Your specific responsibilities listed in the APP are:

### The incident supervisor (where relevant):

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives
- liaises with the IIO and, where necessary, with the crime scene investigator.

### What should I do at the scene?

Depending on the DSI circumstances, it may not be possible to immediately identify a specific scene or for you to attend. Where a scene is identifiable, you should take steps to ensure it is protected and that evidence is preserved until the IIO arrives. Where practicable, you should remind officers/staff of the guidance in respect of conferring and liaise with the IIO and, where necessary, with the scene of crime officer. If you are not able to attend the scene you should inform the FDO and, if appropriate, delegate responsibility for scene management to an appropriate officer or member of staff. Where this is necessary you should provide an appropriate and clear briefing. The rationale for any decisions or action taken in respect of the scene management should be recorded.

### Safety critical debriefing

Where a DSI has occurred, an early debrief should be considered where potentially time-critical safety issues have been identified. Where such a debrief is being considered, prior to the provision of KPW accounts, the IIA should be consulted. You are likely to have a role in this process and you will receive guidance from the PIM.



Prior to officers/staff finishing duty, you should consider if there are any outstanding issues that need to be addressed. Specific issues directly related to the PIP will be addressed by the PIM, and your responsibility will therefore predominantly be related to welfare or logistics for example, are staff able to get home? Do they need additional support? What arrangements are in place for subsequent duties?



## Part 3:

### A guide for force duty officers (those with direct responsibility for the force control room, and has force command and control responsibility)

FDOs should have read **parts 1** and **2** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

Your role in a PIP is pivotal to achieving an effective procedure. The PIM is also trained and accredited for their role and will be able to provide you with advice where necessary. Depending on the nature and scale of the DSI incident, you may have to dedicate your time to discharging your responsibilities and will therefore need support in terms of your core duties.

#### Do I have any specific responsibilities?

Your specific responsibilities listed in the APP are:

##### The FDO:

- remains operationally active until stood down
- reminds officers/staff of the guidance in respect of conferring, where practicable
- ensures that the scene is protected and that evidence is preserved until the IIO arrives

- considers the safety of the public and police personnel, and the immediate welfare of casualties
- considers which officers/staff are to be treated as KPWs (in conjunction with the chief officer or delegated senior officer, IIO and PIM)
- considers whether KPWs need to be separated
- ensures the transfer of officers/staff to the post-incident location
- establishes the facts of what has taken place and ensures all relevant information is recorded
- informs the force chief officer (or delegated senior officer) of the incident
- determines the rendezvous point for incoming resources
- briefs and formally hands over to the IIO
- briefs the force chief officer (or delegated senior officer)
- ensures that KPW(s) staff associations/trade unions have been notified by the PIM.

Further information in respect of these responsibilities is provided within this guidance.

#### What are the criteria for post-incident investigations?

Post-incident investigations will commence in all situations where, following contact with the police, a DSI occurs (these will ordinarily be subject to mandatory referral to IIA). Where a DSI occurs but the person was not in police custody at the time, and there is no indication that contact with the police has caused or contributed to the DSI, it may not be necessary to refer the incident to the IIA. In these circumstances the IIA should be consulted.



Incidents which have revealed failings in operational command or supervision, or have caused danger to officers, staff or the public should be referred to the IIA as a voluntary referral. If the above criteria are not met, the force should still consider the proportionate application of these procedures, where appropriate.

Where a post-incident investigation is to take place, and the matter is subject to referral to the IIA, the IIA should be provided with sufficient information to determine whether an independent investigation is required, as soon as practicable. Further information given to the investigative authority should include the action taken and arrangements made for them to commence a post-incident investigation. It is for the IIA to determine the nature of the investigation and the extent of their involvement.

A referral to the IOPC, and a subsequent investigation, does not necessarily mean that a PIP is required.

### **Will I be informed of the incident?**

Where a DSI occurs, you must be informed as soon as practicable. This notification may be provided by radio or telephone communication (eg, from an officer or member of staff at the scene of the incident). The information provided should be sufficient to provide you with a situational report that will enable you to manage the ongoing incident, discharge your post-incident responsibilities and inform the IIA about the incident.

There may be circumstances where it is critical, for operational or safety reasons, for officers/staff to provide more detailed information of events that took place at an earlier stage. This could be to address issues associated with a person who is now in custody or in relation to an ongoing criminal investigation, for example, where a person was not arrested at the scene.

### **How do I assess the necessity and/or scale of a PIP?**

In assessing the necessity and/or scale of a PIP the following may be relevant:

- The nature of the scene – what action, if any, needs to be taken to preserve it?
- The evidential retrieval that can take place:
  - officers/staff personal initial accounts – do these need to be obtained/provided as soon as possible? Are there other evidential retrieval considerations in relation to the officers/staff, such as body-worn video, clothing, CED (Tasers), irritant spray, batons, handcuffs, and spit and bite guards?
  - what other evidence is there that needs to be obtained/preserved, such as forensics, in-car footage and IDR downloads?
- The potential impact if evidence is not retrieved immediately. For example, might it be lost, overwritten or become less reliable?
- The potential impact on public confidence that a delay in evidential retrieval, in particular of witness accounts, could have.
- The staff welfare considerations.
- The length of time elapsed between police contact and police knowledge of the DSI.
- The nature and extent of direct police involvement in the DSI circumstances.

While this is not an exhaustive list of considerations, it may help in determining the value that a PIP would have in the subsequent investigation or assisting the officers and staff involved.



You should brief the nominated chief officer, or delegated senior officer, who is responsible for the decision whether or not to implement a PIP, and who will be responsible for the overall procedure.

### What should my initial actions be?

Following a DSI, you should initially establish what has taken place (including the extent of any casualties). You should also establish:

- Is any person injured? If so, are they receiving appropriate medical attention?
- Is there an ongoing threat to life, or operational imperative, that requires continued action from officers or police staff?
- Are there any new or emerging threats or risks outstanding to any person?
- What control measures are in place in respect of these threats or risks?
- Are there any critical operational safety issues that require immediate attention?
- Are any subjects at large? If so, what action is required to locate them?
- To what extent have the original operational objectives been met?
- What additional resources are required?
- Have relevant scenes been identified?
- What action is required to secure and preserve scenes and evidence?
- Has appropriate post-incident procedure been implemented?

- Have key police witnesses (KPWs) been reminded of the **guidance related to conferring**?
- Have staff associations/trade unions been notified?
- Have arrangements been made for handover to the IIO?
- Has the force PSD been notified?
- Has the force gold or critical incident commander been briefed?

Your responsibilities remain until you are relieved of them or the incident is brought to a conclusion.

The initial action taken by you should ensure:

- resources are adequately deployed, including medical aid, welfare, operational and technical support
- continuity of command of any ongoing crime-in-action
- integrity of process in relation to securing best evidence
- senior command and the IIA are notified of the event
- community impact is considered and, where appropriate, actions are taken.

### When will the investigators arrive?

Where there is a delay in the arrival of an IIA or PSD investigator, you should decide how, and by whom, the scene should be managed and investigations commenced (for instance by appointing an IIO). You should speak to the IOPC by telephone as early as possible and seek direction regarding their investigation.



You will have a number of priorities to consider pending the IIA's arrival. Those will usually be:

- meeting any first aid and medical needs
- establishing the circumstances of the incident (see **provision of accounts**)
- managing and protecting the scene in order to maintain forensic integrity
- identifying witnesses
- identifying KPWs (see **Key police witnesses**)
- separating KPWs (if safe, necessary and practical to do so)
- identifying and securing exhibits
- identifying and liaising with the deceased's family (following consultation with the IIA)
- managing community interest, including the media
- considering measures to protect the identity of KPWs where appropriate (see **Considerations for the anonymity of officers and staff**).

Unless the immediate removal or seizure of evidence is necessary to prevent loss or deterioration, or to protect the public from harm, action should only be taken to preserve and control the evidence. Any other actions in respect of its recovery, removal or analysis should only be undertaken with the agreement of the IIA. Any action which is taken to prevent loss, deterioration or harm should be documented along with the justification for taking that action.

### Considering separation

You should consider (in consultation with the PIM where practicable) whether officers/staff who are potential KPWs should be separated. The guidance related to separating officers and staff is explained below.

### Appointing a scene manager

Appointing a scene manager should be a priority for you. The scene manager will be responsible for securing evidence, deploying forensic experts and ensuring forensic recovery in accordance with forensic strategy. Where practicable, this should be developed in consultation with the IIA.

### Recording information

If and where any subject's weapons have been recovered, the person finding them should record this and relay the information to the person in charge at the scene. Where, for operational or security reasons, it has been necessary to take any action in respect of a recovered weapon, details of the precise procedures followed should be recorded.

As far as possible, the positions of officers and staff at the scene of an incident should be recorded. The incident may, however, demand the rapid movement of officers/staff. This could involve key actions being taken from more than one position during an event that is developing rapidly. Officers/staff may also become involved in detaining or searching a subject, and/or in providing medical assistance. In these circumstances, precise and accurate recall of where officers/staff were at each stage of the incident may not be possible.

Where there is an operational imperative to remove a person, vehicle or equipment from the scene at an early stage, the reason for this should be recorded along with their initial location, for the purpose of any future investigation.



## Appointing an IIO

You should consider appointing an IIO to manage the investigation until the arrival of the IOPC or PSD. Where practicable, and depending on the seriousness of the injury, this should be an individual accredited to PIP level 3 (senior investigating officer) and any appointment should be made in consultation with the IIA.

## Informing a PIM following an incident

The nominated chief officer or delegated senior officer should nominate a PIM. You are likely to have a PIM rota that will enable you to identify and inform the on-duty or on-call PIM of the incident.

## Separating KPWs

As soon as it is known that a DSI following police contact has occurred, or is likely to, you should consider and decide whether KPWs should be separated to prevent conferring. Where practicable, this should be done in consultation with the PIM. The PIM or responsible chief officer will review, and may override any decision to separate KPWs, or may decide to separate them at a later stage, as appropriate. Officers/staff need not be separated as a matter of routine. The decision on whether or not to separate KPWs should be based on the consideration of three separate questions in turn:

### 1. Is separation safe?

Officers/staff should never be separated unless, and until, it is operationally safe to do.

### 2. Is separation necessary?

You may consider that separation is necessary to prevent conferring where there are reasonable grounds to suspect that either:

- a KPW has committed a criminal offence

- a KPW has committed a disciplinary offence

or

- this guidance is not being complied with and officers/staff may confer inappropriately.

Where there are no such reasonable grounds and where there are sufficient control measures in place to prevent inappropriate conferring (such as the presence of an appointed officer or representative of the IIO or IIA), separation is unlikely to be necessary.

### 3. Is separation practical?

If it is operationally safe to separate officers/staff, and if you decide that it is, you must consider whether it is practical to do so based on:

- the location of the incident
- the number of officers/staff who might need to be separated
- the resources available to achieve separation.

## The decision-making hierarchy for separation

Safety must be the foremost consideration. Where separation is safe, necessity should then be considered. If both safe and necessary, separation may occur only where it is practical in the operational circumstances. For example, if separating officers/staff is practical but not necessary, it is not required. Separation should never occur when it is not safe under the circumstances.

## Record keeping

The rationale for any decision to separate or not to separate KPWs should be recorded, together with the measures put in place to prevent conferring.



## Part 4:

### A guide for chief officers and delegated senior officers with overall responsibility for the procedure

Chief officers and delegated senior officers should have read **parts 1, 2** and **3** of this guide to gain an understanding of the procedure and the associated roles and responsibilities.

It is your decision whether or not to implement a PIP, and this should be done in consultation with the IIA who will be able to advise on the necessity of a procedure, depending on the nature of the investigation. Your decision and rationale should be recorded.

#### Do I have any specific responsibilities?

Your specific responsibilities listed in the APP are:

#### The chief officer (or delegated senior officer):

- remains in a position to maintain command until the strategic intention of the operation is achieved, or they are relieved
- continues to be available to the FDO if required
- has overall responsibility for post-incident procedures
- initiates the post-incident investigation (including informing the IIA)
- ensures that the investigation and welfare procedures are implemented

- appoints a PIM
- appoints an IIO
- assigns the appointed officer
- ensures that the KPWs are identified (in conjunction with the PIM, IIO, FDO and IIA)
- considers referral to the IIA
- subject to referral to the IIA, agrees the media strategy
- ensures that all relevant information is recorded.

You or a peer will have responsibility for ensuring that force/organisational policy and arrangements are in place to initiate a post-incident procedure when appropriate: This process should include:

- post-incident investigation (including informing the IIA)
- post-incident management.

Once the PIP is implemented, you have overall responsibility, however, you should not have been involved in the operational phase of the incident.

#### Nominating a PIM

Chief officers are responsible for ensuring PIMs maintain operational competence, by them regularly performing the role or actively participating in relevant continuing professional development. Forces should consider implementing an auditable period of shadowing, mentoring and performance review, as a means of achieving operational competence.

Most police forces and law enforcement agencies employ a PIM cadre or on-call arrangement. This ensures that an accredited PIM



is available to manage the PIP in the event of a DSI incident. Forces should consider the possibility of incidents crossing force boundaries and have appropriate joint operational force and regional protocols in place to deal with post-incident procedures. PIMs often perform their role as part of a PIM team, under the direction of an overall PIM.

### Your obligations under the Police Reform Act

Where a chief officer becomes aware of a DSI matter relating to a person under their direction and control, the chief officer must take all appropriate steps for the purposes of **Part 2 of the Police Reform Act** to obtain and preserve evidence relating to the DSI.

This duty must be performed as soon as practicable after the chief officer becomes aware of the DSI. The chief officer should continue to take the steps they think appropriate to obtain and preserve evidence, until they believe it is no longer necessary.

The chief officer must take any steps, directed by the relevant IIA or local policing body, to obtain or preserve evidence (**paragraph 14B**, Schedule 3, Police Reform Act 2002).

### Your initial actions

Following notification of the incident, you should make an assessment regarding command, coordination and police response.

You should also consider the strategic issues that need to be addressed in respect of the:

- incident
- family
- community
- police force(s) involved

- service-wide considerations.

Early consideration should be given to:

- the impact of the incident on the deceased's family and the community
- media management
- the nature of any debrief to be undertaken
- the requirement for an explanation and/or, where appropriate, an apology to the people affected.

The appropriateness and sequence of the above issues will depend on the circumstances and nature of the incident. If an independent post-incident investigation is to be undertaken, the appropriateness of any of the above considerations should be discussed and agreed with the IOPC or IIA.

### Considerations for the anonymity of officers and staff

If there are specific concerns for the safety of KPWs and their families, anonymity should be addressed at an early stage. The PIM should ensure that action is taken to maintain anonymity, until it can be safely concluded that anonymity is no longer necessary.

Where there is a legal obligation for a KPW to provide personal details, such as under the Road Traffic Act, the implications should be discussed with the IIO and IIA. If there is any uncertainty, the PIM should approach you for advice. Any decision is likely to be reviewed by a gold group if convened.

It should be explained to officers/staff involved that anonymity may have to be lifted at some stage, for instance, because of a challenge in subsequent legal proceedings.



Measures to preserve the anonymity of KPWs include:

- maintaining a list of the names of officers/staff involved in the incident (which should be protectively marked, as appropriate)
- using anonymous references (eg, 'A', 'B' or 'C') at an early stage (with a list of such references compiled for inclusion in documents)
- securing and restricting access to systems and documents containing details of KPWs (with appropriate protective marking and other measures)
- removing officer/staff details and identity from communications and circulations, including media releases
- advising all officers/staff of their responsibility to maintain appropriate confidentiality
- advising the IIA, Crown Prosecution Service and other agencies that anonymous references have been used and requesting that anonymity be retained until the chief officer or the officer in question has had the opportunity to make representations.

Where a pseudonym is given to a KPW, this decision and the supporting rationale should be recorded. A written record of the KPW's real name and their associated pseudonym should be maintained. This process should be managed, and decisions regarding anonymity considered and ratified by you. Following your ratification, the force's PSD should provide a copy to the IIA, as soon as is practicable, and record the transfer of this information between named individuals.

Precautions should be taken to protect the officers/staff and their families from unwanted publicity. The PIM must ensure that, where

practicable, the KPWs and their representatives are informed of all media releases prior to their circulation, and are available to make representations on their behalf. This may prompt officers/staff to consider their families and others likely to be affected by a media release and allow them to make early arrangements to cater for any foreseeable problems.

### **Safety and welfare of officers and staff**

The safety and welfare of officers and staff and, where appropriate, any information that might unintentionally identify officers/staff concerned with the incident should not be passed to the media. Preserve officer and staff anonymity, and, in addition, exercise sensitivity in completing internal force publications or reports concerning the incident. Care must be taken when using communications systems, including mobile phones.

The PIM will initiate an early threat assessment to determine whether there are any security issues that may affect any police officers or staff involved in the incident. This will allow the PIM to recommend that the force puts the appropriate control measures in place to ensure the safety of the officer(s) and staff and, where necessary, their families. An ongoing threat assessment process will continue until it is no longer required.

By their very nature, incidents resulting in a DSI, following contact with the police, attract public interest and can be highly emotive and stressful for all involved. As a consequence, the investigative function and the chief officer's duty of care to officers and police staff involved must be high priority. This also extends to welfare, including physical, psychological and medical support. Additionally, police staff associations and trade unions have arrangements for providing advice, support and legal advice to their members.

## Updates regarding the progress of the inquiry

The Police Reform Act 2002 (England and Wales) requires that all interested persons should be kept informed of the progress of the inquiry. Where the investigation is being undertaken by the IIA, this will be their responsibility. Forces should put procedures in place to ensure that regular updates are provided. The host force should consider providing an ongoing PIM or force liaison officer (either full or part-time) to facilitate this.

Procedures for providing updates may include a meeting with officers/staff involved in an incident, as soon as practicable after it has occurred and, in any event, providing the officers/staff and their representatives with terms of reference of the investigation within 48 hours.

It will be normal for the IIA to brief the force concerned on the current status of the investigation, usually no later than 28 days after the incident.

## Considering special leave or suspension from duty

Special or administrative leave may be granted to a KPW when appropriate. There may, however, be circumstances where such leave is not in their best interests. The individual, and their staff association or trade union, should be consulted.

Suspension from duty should not be routine. When it is necessary to suspend a KPW, this should be done in accordance with force policy. They should still be able to contact colleagues in the police service, provided this will not compromise any subsequent investigation, and they should continue to receive appropriate medical and welfare support.

## Authorisation

An individual's authorisation to perform a particular role or task should not automatically be removed because of their involvement in an incident, nor should they be automatically excluded from training or other related duties.

The force should make an evidence-based assessment in consultation with the IIA, the force PSD and the occupational health advice provider, as to when officers/staff should be permitted to resume their duties.

A chief officer should regularly review, in consultation with the IIA, any decision to restrict or remove a KPW from their core role.

## Media releases

Subject to any operational reasons, a cooperative and open-media strategy should be formulated in consultation with the IIA. A clear factual account of the incident should be provided at the earliest opportunity and great care must be taken to avoid compromising any subsequent judicial proceedings. Any media strategy should be formulated in accordance with existing protocols with the relevant IIA (eg, **media protocol between NPCC and the IOPC**).

It may be appropriate to share information publicly, prior to a decision being taken by the IIA regarding the requirement for an independent investigation. Such a media release may include:

- why something has been referred to the IOPC/reassurance that the incident has been referred to an independent body
- information and circumstances around a pre-planned or intelligence-led operation that has led to a referral to the IOPC or an IOPC investigation

- factually correct information about, for example, why police were in the area or numbers of police in the area
- commentary on any parallel criminal investigation by the police
- other matters impacting on local people or the wider public interest.

Once an investigation has been designated as independent or managed, the IIA will take the media lead in relation to its investigation.

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## About the College

We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

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