

Conferring – why can't I discuss the events with other colleagues that attended?

Officers are not prohibited from conferring per se but there are caveats and good practice.

Officers should not confer before making any account on their **honestly held belief or decision making at the time** that resulted in the use of force or taking certain actions.

It is natural to want to talk to colleagues to confirm that you took the right action; but no one can assist you with your recounting your decision making process.

Talking to others could also introduce new information that you were not aware of; what is important is the information you had at the time and explaining why you took certain actions and not others.

Use the National Decision Making model where necessary.

If any other matter is conferred on e.g. descriptions etc., then then for transparency officers must document the time, date and place where conferring took place, the issues discussed and with whom and why.

For the same reasons, no debrief should take place directly after the incident.

Only in exceptional circumstances should debriefing take place when the criteria for post incident investigation have been met.

Why do I need a solicitor if I am a witness?

Good question! The solicitor will offer advice and representation in order that an officer can give best evidence whilst protecting and advancing the officer rights.

The officer may be a witness but during a protracted investigation, this position could change.

Remember that ultimately the investigation is to determine whether the use of force was justified and whether anyone should be held responsible for his or her actions.

The solicitor also has legal professional privilege so an officer can discuss the matter in confidence, which is helpful given the restrictions on conferring.

Assistance may also be required for the Coroner's inquest where an officer can be cross examined by the lawyers acting for the family and the Constabulary. However, remember that the misconduct process does not necessarily follow a PIM investigation.

Often no public complaint is made. The investigative process is often about internal procedure and whether there are any lessons to be learnt.

I am a member of the Federation/UNISON – can I have support?

Absolutely. You are entitled to speak with a Federation or staff association representative as soon as possible and it is vital they are involved from the outset.

Some Federation representatives are also trained and accredited in post incident procedures.

They will be present to ensure welfare considerations are made and to assist members with access to legal advice.

The Specials Co-ordinator is also aware of the procedures for those members of the Special Constabulary.

For Federation members, there is an agreement with the Police Firearms Officers Association (PFOA) to provide a welfare support programme for those officers and their families that need it. Speak to the Federation office for further details.

What is Perceptual Distortion?

Also called tunnel vision or selective attention, this is where the human mind and body is subject to stress, specifically where a threat to life is perceived; the body is pumped with adrenaline to facilitate the 'flight or fight' response. A police officer does not have the 'flight' option so has to deal with the threat.

The brain during these periods does not record like a mechanical recording device. Peripheral vision may have shut down while you concentrate on the threat. Your brain will not record everything that is happening so your memory of it may be different to others or what is shown on any video.

I am a supervisor and we have a death or serious injury after police involvement/contact. What should I do?

A PIM coordinator (PIMCO) is available for call out at all times and should be consulted whenever a potential incident requiring post incident procedures is identified.

Call the control room to find out who is on call and speak to the PIM who will guide you. **If in any doubt, speak to the on call PIM for advice.**

Worried/Concerned?

It is understood that you may be concerned by these procedures but the police service is accountable for all its actions and inactions and these procedures are designed to aid the investigation whilst looking after your welfare and needs in what may have been a traumatic incident.

The PIM and your staff association representative will assist every step of the way.

Post Incident Management

What you need to know about procedures regarding a death or serious injury following police contact.

Guidance for Officers, Staff and Managers on Post Incident Management Procedures

Criteria as per the College of Policing APP

Post-incident investigations will commence in all situations following police contact that may have:

- Resulted in death or serious injury
- Revealed failings in command
- Caused danger to officers or the public.

Incidents that have revealed failings in command or have caused danger to officers or the public should follow the Post Incident Procedure.

If the above criteria are not met, the force should still consider the proportionate application of these procedures, where appropriate.

About this leaflet

This leaflet will give some key information about Post Incident Procedures (PIP), particularly death or serious injury following police contact.

Full details are contained in the College of Policing APP (Authorised Professional Practice).

What is a PIP/PIM?

Post incident investigations will commence in all situations where there has been a discharge of a weapon by the police which has or may have resulted in death or serious injury, revealed failings in command or caused danger to officers or the public. These procedures are also scalable and used as necessary for any death or serious injury following police contact. The management and planning of any deployment may also be subject to investigation

The Post Incident Manager (PIM) manages and ensures the integrity of the post incident procedures. They are trained and accredited. They are required to facilitate the investigation, ensure the integrity of the process, ensure that the principal officers' needs are addressed in a manner which does not compromise the investigation process. They are generally of the rank of Inspector or above.

It is important that these procedures should be open, transparent and that the integrity of all actions can be demonstrated.

Why do we have special PIP/PIM investigations?

Under Articles 2 of ECHR (European Convention of Human Rights) there is a positive duty on the state to conduct an effective official investigation when individuals have been killed as a result of the use of force by agents of the state (i.e. the police). This can extend to any situation where death or serious injury occurs during an incident or operation in which police are involved. The investigation determines whether any use of force used was justified or the actions of officers where appropriate.

Whatever the circumstances the deceased or seriously injured subject will have family that will need to understand what has happened and have questions that need answering.

Who are the investigators?

The Professional Standards Department (PSD) will make the initial assessment. They may have to refer the matter to the Independent Police Complaints Commission (IOPC). An early referral is key.

The IOPC will then decide whether they will attend and/or investigate or whether they are content for a local investigation by PSD.

The IOPC has the power to investigate any matter where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a way which would justify the bringing of discipline proceedings.

What should I expect to happen if I am involved in a PIM?

During the investigation 'key police witnesses' will be identified; they will be those directly related to the decision to use force, or those who actions or decisions were involved in informing or making critical decisions.

You should not be isolated from others apart from specific reasons such as preventing forensic cross-examination.

You may find yourself directed to a PIM suite with others. Here the PIM will explain the procedures and inform you what is happening.

Be prepared to be at the suite for some time.

Welfare needs will be considered including any immediate need for first aid or other medical assistance, the provision of refreshments, showering and a change of clothes and contact with family members.

In some situation it may be necessary to seize weapons and/or police equipment/clothing or provide samples. The PIM will advise if this is the case.

On incidents that are more serious the PIM will consider any threat or risk assessment that needs to be made to ensure your safety. The need for anonymity will also be considered by the PIM and you may be given a pseudonym.

You will also be asked for an account of what happened as a witness. There are four stages of account in these procedures. You will be entitled to legal assistance before making any account.

The investigating authority (PSD/IOPC) may want to release information to the media. Precautions should be taken to protect you and your families from unwanted publicity. To aid this, you should avoid discussing the details with others not involved in the incident in order to protect the identity of those involved and avoid uninformed rumours.

The PIM and/or your representative should keep you informed during what can sometimes be protracted investigations and processes.

Why am I being asked to attend a PIM/PIP suite?

Where the full PIM procedures are followed, you may be asked to attend a location where you will be met by the PIM. This assists in securing the integrity of any scene and enabling the post incident procedures and investigation to be followed whilst assessing and dealing with your welfare and medical needs.

Lower level PIM procedures will not require attendance at a PIM suite and can be dealt with via other means.

What are the four account stages?

Stage 1 is the situation report.

This is likely to be the original report from the scene that generated PIP being instigated.

Stage 2 is the PIM Basic facts

The PIM is responsible for establishing the basic facts of what has happened. This can be either verbal or written but not generally from the **key police witnesses**. Legal advice can be sort and a staff association representative can be present. PIM Basic Facts confirm who was at the scene, briefly that their role was and if relevant, who discharged their weapon.

Stage 3 is the Personal Initial Account (or first account)

Subject to legal and medical advice, officers should provide a personal initial account before going off duty recording their role, what they believe are the essential facts and outline their **honestly held belief** that resulted in the use of force or their decision to take some action. Your representative or legal advisor will assist with this.

Stage 4 is the Detailed Account/Statement

This is not normally obtained immediately unless it is being treated as a lower level investigation. The advice is that a minimum of 48 hours should pass before making a detailed statement. This is your full account as a witness and your legal advisor/representative will assist with this. It may be taken by the investigating authority (IOPC/PSD) or provided by the witness (officer/staff member).

The IOPC has the power to compel a witness to attend an interview but cannot compel the witness to answer questions. As a witness, you can be accompanied to any interview.

Why can't I make my full statement immediately?

In lower level, PIP's or for those not deemed as principal officers this may be appropriate but for others it is not.

A person involved in a traumatic or life-threatening encounter will often experience physiological and psychological responses that may determine their perception of time, distance, auditory and visual stimuli and chronology of events.

After an incident shock and the adrenalin that naturally occurs in moments of high stress may affect you. This may affect the ability immediately after an incident to recall what may be important detail. Perceptual distortion may also be an issue. Recall tends to be better after some rest and it is more helpful to the investigation if an officer's account is as full as possible on the first occasion. Making an immediate statement and then recalling further detail as you recover can lead to inconsistencies that lead to questions about integrity.