

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 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.