

# Post Incident Procedures

National Guidance

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Owning Department: National Support, Partnerships & Prevention Unit – Professional Standards Department

Version Number: 1.00

Date Published: 27/09/2022

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## Purpose

The purpose of this guidance is to ensure awareness of Post Incident Procedures (PIPs) in support of the Police Scotland Armed Policing Policy and the Police Scotland Death or Serious Injury Following Police Contact (DSI FPC) Policy.

## Background

PIPs is a National College of Policing (CoP) Authorised Professional Practice (APP) process. PIPs are designed to balance the State’s legal obligation to independently investigate the Death or Serious Injury (DSI) of a person who has had contact with the Police, with the rights of the Officer/Staff involved. It is intended to facilitate a supportive, efficient enquiry that is in the interests of all.

The decision to implement PIP is made and approved by Assistant Chief Constable (ACC) Professionalism & Assurance or in their absence, the Head of Professional Standards Department (PSD). The activation of PIP is facilitated through the PSD/PSD On-Call.

PIP will be considered in all situations where, following contact with the police, a DSI occurs.

Additionally, PIP will be invoked in all situations where there has been a discharge of a weapon by the police (including those involving a conventional firearm, less lethal weapon or specialist munition), whether intentional or unintentional and which has or may have:

* resulted in a DSI
* revealed failings in command
* caused danger to officers or the public

The impact, nature and severity of the incident will determine the requirement for a PIP. The underlying principle of PIP is to balance the welfare needs of the officers and staff involved with the needs of the investigation.

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 Scotland to refer the incident to the Police Investigations & Review Commissioner (PIRC). Where there has been a death in police custody, or an allegation of criminality against a police officer or member of police staff, the Crown Office & Procurator Fiscal Service (COPFS) may direct PIRC to investigate. Any referral to COPFS or PIRC will be facilitated through the PSD/PSD On-Call.

Situations which do not require investigation by either COPFS or PIRC, may be investigated by PSD.

## Post Incident Procedures

When approval has been given for PIP, it is considered good practice to convene a Gold Group at the earliest possible stage of PIP being invoked. This ensures a clear governance structure from the outset and appropriate representation/involvement from key stakeholders.

There are a number of key roles relative to PIP including:

* Initial Investigating officer (IIO)
* Representatives from COPFS, Police Service of Scotland (PSOS) and PIRC
* The Police Incident Officer (PIO), where relevant
* The Force Duty Officers (FDO)
* The Chief Officer or delegated senior officer
* Post Incident Manager (PIM)
* Appointed Officer (AO)
* Key Police Witness (KPW).

The responsibilities of those involved in the PIP, including strategic, tactical, and operational firearms commanders, are outlined in the relevant CoP APP. Further guidance is also contained within the PSoS Armed Policing Operations SOP, Armed Policing Training SOP and the Post Incident Procedures Aide Memoire.

The Police Scotland PIP Operational Toolkit details key information, roles and responsibilities covering:

* Independent Investigative Authorities (IIAs)
* Police Federation/Staff Associations/Legal Representation
* Conduct/Criminality
* Individual Responsibilities:
* On Call Professional Standards Department
* Post Incident Managers (PIM)
* Key Police Witnesses (KPW)
* Supervisors at scene
* Appointed Officer (AO)
* Duty Officer Contact, Command & Control.

## The Post Incident Procedures Suite

Police Scotland has several designated PIP suites which are suitably equipped. It will be the responsibility of the Post Incident Manager (PIM) to prepare the suite for the arrival of the KPW.

Given the geographical challenges and remoteness of some areas of Scotland, it may be more appropriate to utilise a local police station as a PIP suite. This decision will be made by the PIM, with consideration being given to:

* Site security
* Equality, Diversity and Inclusion
* Availability of essential equipment.

PIP equipment boxes are located at each PIP suite and can be transported to another location if required. PIP locations are detailed in Appendix ‘A’ of this Guidance.

## Key Police Witnesses

Key Police Witnesses (KPW) are police officers or staff who can give direct evidence of the DSI or the circumstances leading to it, or to the discharge of firearm(s) or less lethal weapon(s). This definition is flexible and must be interpreted according to the particular circumstances.

### Protected Identify of Officers/Staff

Immediate consideration should to be given to the protection of identity of officers/staff for any PIP activation. This is to safeguard the officers/staff and their families.

For those identified as KPWs, consideration should be given but not limited to:

* Pseudonym allocation
* Restriction of STORM incident(s)
* Use of pseudonym on all documents/systems
* Limited access to the Post Incident Suite/site security
* Develop protected identity strategy with IIO/SIO/PF/PIRC
* KPW and their family’s use of social media
* Inappropriate conferring.

Whilst consideration will be given to special measures (e.g. use of pseudonyms), anonymity cannot be guaranteed should the incident progress to legal proceedings and a case is heard in public. Police Scotland will fully consider any application for special measures. The following may support such applications:

* Specific intelligence of threat, risk or harm to KPWs or their family
* Local and national media attention
* Concerns over potential reprisal attacks
* Potential undermining of future covert operations by the identification of KPWs
* Advice within the CoP APP (Armed Policing) in relation to protection of identity
* Article 8 of the European Convention on Human Rights (ECHR) – Right to Respect for Private and Family Life

The aim of protecting the identity of officers/staff who have protected characteristics or whose physical features could be easily identifiable (e.g. height), may be assisted through liaison at all levels.

### Drug and Alcohol Testing and Forensic Elimination Samples

Forensic samples and alcohol/drugs testing should be considered on a case-by-case basis. All requests should be relevant, borne out of a sound rationale, documented and subject to legal advice where appropriate. No adverse inference should be drawn if an officer declines to give a sample when requested to do so. Examples of these may include, but are not limited to:

* Fibre transfer or footwear marks
* Confirm/negate the presence of alcohol or drugs
* Elimination DNA samples
* Elimination fingerprints
* Firearms discharge residue (exceptional circumstances only).

If officers are considered to be a suspect, they would not participate in the PIP process and swab, blood and / or DNA samples may be required in accordance with the Criminal Procedure (Scotland) Act 1995 or the Road Traffic Act 1988. Officers should not be routinely asked to provide blood or DNA samples.

Where an SIO/IIO/PIRC consider it necessary to make such a request, the rationale should be made clear to the PIM and KPW and recorded appropriately. KPW who are subject to such requests may wish to obtain legal advice as part of their decision making process and this should be facilitated.

Nothing in this section precludes an officer/staff member from volunteering to provide samples where the officer/staff member intimates a desire to do so.

Random substance misuse testing as per the Substance Misuse SOP, will not apply to officers or staff involved in PIP process.

## Wellbeing

The support and wellbeing needs of officers/staff should be addressed throughout the PIP. Considerations will include, but should not be limited to:

* Immediate need for first aid and other medical assistance
* Securing weapons and equipment
* The provision of refreshments
* Making phone calls to immediate family members regarding officers’ wellbeing and possible retention on duty
* Showering and appropriate change of clothes (provided there are no forensic matters to be addressed)
* Removal from operational firearms duties
* Withdrawal from operational duties
* The emotional and mental state of the officer/staff member.

Managers should give welfare consideration to those involved beyond the immediate scene of the incident, i.e. control room staff, critical decision makers and those in command of the incident. Post traumatic support for all police officers and members of police staff must be considered and offered.

Trauma Risk Management (TRiM) is the model of support used to provide support for officers and staff who are directly involved in potentially traumatic incidents. Further information and all associated resources, such as forms and co-ordinators, can be found on the People and Development Policy Hub.

The timing of the introduction of the TRiM team will be determined by the PIM/IIO/IIA, in line with ongoing processes.

If an officer, following a TRiM process, requires additional and potentially longer term support, a referral to the Employee Assistance Programme (EAP) can be made. The officer can self-refer or they can be referred by a member of the TRiM team.

‘Your Wellbeing Matters’ provides lots of useful information, contacts and links to additional support.

In addition, The Police Firearms Officers Association (PFOA) offers valuable additional support and appropriate services to relevant officers and their families.

## Cross Jurisdictional Matters

A Memorandum of Understanding (MoU) of Cross Border Agreed Principles between COPFS, Home Office, PIRC, IOPC, the Chief Constable of Police Scotland and the National Police Chiefs’ Council has been agreed and signed. This MoU supports DSI following police contact and complaints and conduct matters.

In the absence of primary legislation, this MoU outlines arrangements for all parties to co-operate with one another, in so far as it is legally possible and reasonably practicable, ensuring an effective independent investigation into:

* Alleged criminal offences
* Death or serious injury events
* Firearm or weapons events.

In conjunction with the MoU, as previously mentioned a practical Toolkit and Task Cards for practitioners has been created.

## Appendix A

### Post Incident Suite Locations

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 39(1), Health, Safety and the Environment, Section 30(c) Prejudice to effective conduct of public affairs and Section 35(1)(a)&(b) Law Enforcement.

## Compliance record

EqHIRA completion/review date: 13/09/2022

Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version control table

| Version | History of amendments | Approval date |
| --- | --- | --- |
| 1.00 | Initial Approved Version of National Guidance produced following conversion of the Post Deployment Procedures SOP under terms of the SOP Review. | 27/09/2022 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, Force Form 066-014 should be used.