

# Police Service of Northern Ireland

ABSTRACT – This Policy Directive is to set out PSNI Procedures and Guidance for the deployment of Post Incident Managers to facilitate both the welfare needs of Principal Officers and the needs of any investigation by either PSNI or Police Ombudsman for Northern Ireland (PONI) Senior Investigating Officers (SIOs)

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## POLICY DIRECTIVE

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### POST INCIDENT PROCEDURE DEPLOYMENT OF POST INCIDENT MANAGERS - DISCHARGE OF FIREARMS

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Post Incident Procedure Deployment of Post Incident Managers - Discharge of Firearms

**POLICY OWNERSHIP:**

**DEPARTMENT** Operational Support  
**BRANCH** Operations Branch, Conflict Management Development Unit

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**POLICY APPROVED BY:**

**CCF REF/OTHER** Chief Constables Forum - Ref: 57/04  
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INDEX

SECTIONS 1- 6

Section	Subject	Page
<b>1</b>	<b>Policy Identification Page</b>	<b>1</b>
<b>2</b>	<b>Policy Statements</b>	<b>3</b>
(2)	Scope of the Enquiry	3-4
(3)	Association of Chief Police Officers (ACPO) Functions	4
(4)	Principal Officers	5
(5)	Post Incident Managers	5
<b>3</b>	<b>Introduction</b>	<b>6</b>
(1)	Summary	6
(2)	Investigations	6-7
(3)	Purpose	7
(4)	Legal Basis	7
<b>4</b>	<b>Implications of the Policy</b>	<b>8</b>
(1)	Efficiency	8
(2)	Human Resources/Training	8
(3)	Partnerships	8
(4)	Risks	8
(5)	Bureaucracy	8
(6)	Consultation	8-9
<b>5</b>	<b>Human Rights/United Nations Convention on the Rights of the Child (UNCRC)/Equality/Code of Ethics/Freedom of Information</b>	<b>9</b>
<b>6</b>	<b>Review</b>	<b>9</b>

## 2. POLICY STATEMENTS

- (1)
  - (a) In line with the relevant Association of Chief Police Officer's (ACPO) guidance, Post Incident Management Teams (PIMs) are to be created within the Police Service of Northern Ireland (PSNI). Post Incident Managers will be nominated by the Police Service to act as an interface between the **Principal Officers** (ie those officers most involved in and most affected by an incident), **other officers directly involved in the incident** and the **Investigators** [Police Service of Northern Ireland/Police Ombudsman for Northern Ireland (PONI)].
  - (b) Post Incident Managers should be deployed following the discharge of a firearm (including an L104A1 launcher) by a police officer (other than in training or where the discharge was accidental, within police premises and resulted in no injuries), or whereby following a risk assessment, their use is anticipated. The deployment of PIM Teams will also be considered as part of the planning for events and included in Operational Orders.
  - (c) PIM Teams can also be deployed in other situations such as death in custody, Fatal Road Traffic Collisions involving police officers on or off duty and other incidents resulting in the death or serious injury of an individual due to the actions of a police officer which will be referred to the PONI for investigation. No further training is required to allow PIMs to carry out this function, as their role is to purely act as the interface with PONI.
  - (d) The PIM role is to facilitate the investigation while ensuring that the Principal Officers' welfare is also borne in mind. This will include seeking to keep them informed of developments and providing appropriate explanations of procedure as well as obtaining necessary practical assistance for them.
  - (e) The PIM will also obtain initial accounts (subject to any medical or legal advice to the contrary), which will be passed to the investigators and used as part of the scene management. Incidents involving the discharge of a firearm by a police officer are, by their very nature, highly emotive and stressful for all involved. As a consequence, both investigative and welfare considerations are to be afforded a high priority.

### (2) **Scope of the Enquiry**

- (a) An incident where weapons have been discharged by police officers will be the subject of a thorough investigation by the Police Ombudsman. The scope of the investigation is likely to be wide ranging. It will not only include the circumstances of any injury to, or death of any person who may have been shot, but also the circumstances leading up to the discharge of firearms and all the surrounding issues such as the management of the incident and planning of the operation. Police officers responsible for the planning and control of operations where the use of force is a possibility, shall so far as possible plan and control them to minimise recourse to the use of force, in particular, potentially lethal force. Consideration shall be given during the planning of an operation to the need for medical assistance to be available. (Code of Ethics 4.2). Some of the typical issues, which may require investigation, are listed at Appendix 'A'.
- (b) The Police Ombudsman will appoint a Senior Investigating Officer (SIO) to commence an investigation. Pending arrival of the Ombudsman SIO, Silver (Tactical) Commander or the senior officer on duty will ensure the preservation of the scene, physical and witness evidence.

**NOT PROTECTIVELY MARKED**

- (c) There will inevitably be a transition from the operation itself to the investigation. Where joint crime scenes are involved, Police and Police Ombudsman's Investigators will investigate their respective allegation. For example, where an armed robbery has taken place and the police have discharged firearms to effect arrest, there is an onus on both the Police and the Ombudsman's office to carry out an investigation. However the agency with the most serious crime allegation will generally take the lead in respect of forensic support, crime scene management and access to witnesses and suspects. In this transitional phase close liaison is essential between the Silver (Tactical) Commander and the SIO/Ombudsman's SIO. Primacy will be determined on a case specific basis. In accordance with the agreed protocol, the on-call PONI SIO will inform police of the intended action of the PONI investigators.
- (d) In its early stages the investigation will involve:
  - (i) Scene management;
  - (ii) The recording of initial accounts (subject to any medical or legal advice to the contrary);
  - (iii) The commencement of the investigative stage by the Police Ombudsman/Police Service SIO;
  - (iv) The immediate management of Principal Officers;
  - (v) The collection of exhibits;
  - (vi) Welfare considerations;
  - (vii) Media involvement;
  - (viii) The appointment of a Family Liaison Officer if appropriate.
- (e) The maintenance of a call-out rota and associated protocols for PIMs will be the responsibility of the relevant Chief Inspector, Operational Support Department. The rota will be accessible via Belfast Regional Control (BRC).
- (f) A list of key roles and their associated responsibilities is provided at Appendix 'B'.

**(3) Association of Chief Police Officers (ACPO) Functions**

- (a) Ensuring integrity and transparency of the post incident procedure is essential. The two distinct functions to be considered at Association of Chief Police Officers (ACPO) level (including officers nominated to represent ACPO) are:
  - (i) Ensure Service Policy with regards to the post incident procedures is carried out;
  - (ii) To ensure for the welfare of personnel, through the deployment of a Post Incident Management Team.

See also Policy Directive 12/08 – Police Use of Firearms Section (7)(6)(5)(b).

**NOT PROTECTIVELY MARKED**

(4) **Principal Officers**

- (a) **Principal Officers** is a term used to identify those officers most involved in, and most affected by, an incident. They would include those officers who actually fired the shots or were present when shots were discharged and could include the Bronze (Operational) Commander.
- (b) **Other Officers Directly Involved** in any incident where police officers have discharged firearms may include all Gold (Strategic), Silver (Tactical) and Bronze (Operational) Commanders (if not identified as a principal officer), Tactical Advisers, and may include personnel beyond the immediate scene, for example in the communications centre or those involved in the planning process connected to the incident. An incident involving the use of firearms by police officers may affect those involved differently and it is not possible, nor should it be attempted to say who may be affected and to what extent. Both research and experience have shown that officers who have not discharged weapons or suffered injury may also be traumatised.
- (c) Officers in positions or roles not in direct contact or who may have witnessed the incident may be called to account for their actions in any enquiry or investigation. Consequently to define the term 'Other Officers Directly Involved' is unnecessarily restrictive. Where resources are initially limited however, it will be necessary to prioritise actions in accordance with the level of involvement of individuals and the degree to which they have been affected. The welfare needs of all officers involved in firearms incidents or any incident where death follows police contact, should be of paramount importance. Post Incident Managers should ensure that the welfare of 'Principal Officers' and 'Other Officers Directly Involved' is catered for through referral to the Occupational Health and Well-being (OHW). Officers who are witness to the firearms incident and not necessarily directly involved, should be referred to OHW in accordance with current Service Policy.
- (d) Where police staff are involved in an incident of suspected death through police contact and this is the subject of a PONI investigation, the PIM procedures outlined in this Policy Directive will apply to that person. For example, Civilian Custody Officers.

(5) **Post Incident Managers**

- (a) Post Incident Managers will be nominated by the Police Service to act as an interface between the Principal Officers/Other Officers Directly Involved and the Investigators. Their role is to facilitate the investigation while ensuring that welfare considerations are also borne in mind. This will include seeking to keep them informed of developments and providing appropriate explanations of procedure as well as obtaining necessary practical assistance for them.
- (b) The PIM will also facilitate the recording of initial accounts subject to any medical or legal advice to the contrary. This will be passed to the Investigators and used as part of the scene management. Appropriate training will be given to nominated officers in this role.

### **3. INTRODUCTION**

#### **(1) Summary**

- (a) The aim of this Policy Directive is to set out PSNI Procedures and Guidance for the deployment of Post Incident Managers to facilitate both the welfare needs of Principal Officers and the needs of any investigation by either PSNI or PONI SIOs.
- (b) This Policy Directive contributes to employee's health and well-being and has been drafted with reference to the relevant ACPO guidance.
- (c) It is acknowledged that in a situation involving police, where death or serious injury occurs, the welfare and emotional support of all involved, will be a key element. However, a balance has to be achieved between the psychological and emotional support provided to officers and the requirement to provide sufficient information and background detail to enable an investigation into the incident to be initiated and progressed.
- (d) The actions of police officers may be subject to the criminal law where, in the view of the Public Prosecution Service, there is evidence to justify a criminal charge. Furthermore, the civil law provides a number of remedies.
- (e) Complaints may be made against individual officers through the PONI. A leaflet explaining the procedures for making a complaint is available at police stations.
- (f) Any use of force resulting in the death of a person will usually culminate in a formal Public Inquest held by HM Coroner. The purpose of the Coroners Court/Enquiry is to establish the cause of death.

#### **(2) Investigations**

- (a) It is in the interests of the public, the individual officer or member of police staff, the Police Service, and everyone involved in an incident where firearms have been discharged by police officers or death occurs following police contact, that subsequent procedures should be open, transparent and that the integrity of all action is maintained.
- (b) The following guidelines for post incident investigation apply to cases where there has been a discharge of a firearm by a police officer either on duty (other than in training or where the discharge was accidental, within police premises and resulted in no injuries), or off duty. (See also Section 2(5) above). The PONI shall be the focal point for all complaints about the police. In the event of a police officer discharging a firearm including an L104A1 launcher, (irrespective of whether a complaint has been made) the Chief Constable has directed that the Ombudsman's office be informed immediately. It will be the responsibility of the senior officer on duty to contact the on-call Ombudsman's SIO. The emergency call-out procedure for contacting the Ombudsman must be followed.
- (c) Where any death occurs following police contact, the Ombudsman will conduct a formal investigation in accordance with the legislation contained within the Police (NI) Act 1998. The findings of this investigation may form part of a wider enquiry for example in a criminal court, civil court, Coroners Court or Police Misconduct Hearing etc.
- (d) This guidance seeks to inform as to the procedure likely to be followed and provides guidance to individuals with key responsibilities. It is essential that the procedures followed do not compromise the safety of officers or jeopardise the evidential trail or compromise the investigation.

**NOT PROTECTIVELY MARKED**

- (e) Incidents involving the discharge of a firearm by a police officer or where death occurs following police contact are, by their very nature, highly emotive and stressful for all involved. As a consequence, both investigative and welfare considerations are to be afforded a high priority. The manner in which the Police Service responds to such incidents and the professional standards applied are naturally of great interest to the public.
- (f) These instructions focus on the needs of an investigation and those of police officers involved as opposed to the needs of witnesses and subjects/their families. This is not intended to suggest that any one of these needs is paramount and should be considered to the exclusion of all others, but other matters are dealt with more appropriately outside the remit of this Policy.

**(3) Purpose**

- (a) The purpose of the investigation is to establish a true and factual account of the incident.
- (b) The welfare needs of those involved must be attended to whilst maintaining the accuracy and integrity of the investigation.
- (c) It should be borne in mind officers may be affected whether or not they fired a weapon, and indeed even in operations when shots are not fired.
- (d) Two distinct responsibilities must be addressed when dealing with such cases. The first is a duty in law to ensure a full investigation into the incident is conducted. The Police Ombudsman will fulfill this role. The second duty is applicable to all levels of Police Management/Command and comprises a legal duty of care towards staff and those affected by their actions.
- (e) It is intended to ensure that the second duty is appropriately addressed through this Policy.

**(4) Legal Basis**

- (a) Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the ECHR. As indicated at paragraph 3(2)(b) above, in the event of a police officer discharging a firearm including an L104A1 launcher, (irrespective of whether a complaint has been made) the Chief Constable has directed that the Ombudsman's office be informed immediately. The Ombudsman shall exercise their power in such a manner and to such extent to secure the efficiency, effectiveness and independence of the Police Complaints System; and the confidence of the public and of members of the Police Service in that system. Failure to carry out such an investigation has itself been found to be a violation of Article 2.
- (b) The Human Rights Act 1998 requires courts and tribunals to interpret domestic law in a manner, which is compatible with the ECHR Articles. Section 8(1) of the Act states that a court which has found that an act or proposed act of a public authority is unlawful may grant 'such relief or remedy, or make such order, within its powers as it considers just and appropriate'.
- (c) A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful under the Human Rights Act 1998 may bring proceedings against the authority under the Act in the appropriate court or tribunal or rely on the Convention right or rights concerned in any legal proceedings if they are a victim (or would be) of the alleged unlawful act.

**NOT PROTECTIVELY MARKED**

#### **4. IMPLICATIONS OF THE POLICY**

(1) **Efficiency**

This Policy will enable the Police Service of Northern Ireland to comply with the relevant ACPO guidance, and should improve welfare considerations for police officers involved in firearms incidents and all those involved in any incident where death occurs following police contact.

(2) **Human Resources/Training**

Post Incident Managers are normally officers of the rank of Inspector and above who have attended a specialist course. However, PIM Teams may include officers below the rank of Inspector. Successful applicants will be selected to carry out this role and relevant training will be given to those officers in Post Incident Management. Delivery of General Awareness Training to the wider Service in this Policy will be via District Trainers and through Command Training.

(3) **Partnerships**

The Policy involves liaison with the PONI who has been consulted and is in agreement with this Policy. Furthermore this is a dynamic area of development and will be the subject of quarterly meetings between both organisations.

(4) **Risks**

There are no risks associated with this Policy.

(5) **Bureaucracy**

Minor administrative issues are required. These are deemed necessary to implement this Policy.

(6) **Consultation**

The following have been consulted on this Policy:

- (a) Chief Constable;
- (b) Deputy Chief Constable;
- (c) Assistant Chief Constable Rural;
- (d) Assistant Chief Constable Urban;
- (e) Human Rights Legal Adviser;
- (f) Police Federation for Northern Ireland;
- (g) Superintendents' Association of Northern Ireland
- (h) District Commanders;
- (i) ACC Crime Operations;
- (j) ACC Criminal Justice;

- (k) Head of Professional Standards Department;
- (l) Head of Training;
- (m) Head of Occupational Health and Well-being;
- (n) Police Ombudsman for Northern Ireland.

**5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/ICODE OF ETHICS/FREEDOM OF INFORMATION**

- (1) This Policy Directive and accompanying Procedures and Guidance is deemed to be Human Rights compliant. The only potential engagement with Human Rights would be with Article 8 of the European Convention on Human Rights – Right to Respect for Private and Family Life, however this will only be to the extent that is necessary, proportionate, justifiable and legal to facilitate the investigation of an incident involving firearms. There has been no United Nations Convention on the Rights of the Child (UNCRC) issues.
- (2) The Policy has been screened for Section 75 considerations and meets the organisation's integrity standards. It has been drafted to reflect the Code of Ethics for the PSNI.
- (3) This Policy is suitable for public disclosure in accordance with the Freedom of Information Act 2000, and can be accessed on the PSNI internet website.

**6. REVIEW**

This Policy will be reviewed annually. Any feedback on this Policy should be sent to Chief Inspector, Operations Branch, Operational Support Department, PSNI Headquarters, Brooklyn, 65 Knock Road, Belfast BT5 6LE.