



Death and Serious Injury Post Incident Procedures (Non-Firearms) (Policy & Procedure)

OFFICIAL

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Policy

Statement

Prior to the implementation of the procedures contained within this document, formal Post Incident Procedures (PIP) have only existed for the purposes of death or serious injury (DSI) incidents caused by the discharge of firearms by armed police officers.

A PIP is a formally defined process, providing a means of securing and preserving evidence relating to a police incident and obtaining untainted personal accounts from officers based on their honestly held belief.

This procedure will extend the principles of PIP to apply to other DSI incidents throughout Merseyside Police.

“Article 2 of the European Convention on Human Rights imposes 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).” (Authorised Professional Practice).

Paragraph 14B, schedule 3, of the Police Reform Act 2002, places a statutory duty on chief officers to ensure that evidence relating to DSI incidents is obtained and preserved.

Authorised Professional Practice (APP) provides guidance on deaths and “adverse incidents” in custody, as well as detailed Post Incident Procedure guidance as it relates to police use of firearms. This procedure is cognisant of the requirements of APP in relation to both custody and general PIP issues.

Aims

This procedure aims to establish the use of formal Post Incident Procedures (PIP), when necessary, following any death or serious injury concerning Merseyside Police.

It will thereby have a direct effect on ensuring that:

1. Public trust and confidence in Merseyside Police is promoted and maintained.
2. That the Chief Constable’s duty of care to the officers / staff of Merseyside Police is effectively practised.
3. That Merseyside Police’s response to DSI incidents is sufficiently thorough.
4. To identify any operational or safety critical issues in respect of procedure, training or equipment used.
5. To ensure that the applicable law is properly followed and implemented so that where appropriate effective criminal proceedings are brought.
6. To ensure police accountability whether or not criminal proceedings are brought.

Objectives

The broader aims of this procedure are as set out above. Its specific objectives will be to:

1. Deliver consistency across all areas of business in Merseyside Police, when dealing with DSI incidents.
2. Ensure that the welfare of officers and staff following DSI incidents, is formally protected and addressed.
3. Ensure that we act effectively in securing evidence, in line with golden hour principles and with transparency, in order to maintain public confidence and trust in the outcome of Police investigations or, where applicable, Merseyside Police's involvement in IOPC investigations.
4. Ensure that Merseyside Police acts in compliance with its obligations in statute and as prescribed by Authorised Professional Practice.
5. Provide a point of reference for officers and staff of Merseyside Police, who may become a participant in Post Incident Procedures, be responsible for implementing them, or be engaged in running them.

Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

Any officer or member of staff can potentially be identified as a Key Police Witness in relation to a DSI incident.

This procedure will incorporate DSI incidents occurring in custody suites, formerly falling under the "Adverse Incidents Protocol". Any incidents which would fall under the Adverse Incidents Protocol, but not within the criteria of this policy, shall continue to be covered by that protocol. Further detail is provided in section 3.14.

This procedure is of particular concern to those officers and staff defined as having specific roles within a PIP, as listed in section 3 of this procedure. Such officers must be aware of the roles and responsibilities attributed to them and must be cognisant of the requirements placed on them, should they become involved in a PIP.

IMPORTANT: This procedure will not apply to DSI incidents related to the discharge of police firearms. Well established procedures, prescribed by the College of Policing through APP, are already in place to cover such circumstances and they shall continue to apply and can be found in the North West regional firearms post incident policy.

Where a DSI incident occurs in the Merseyside area, but involves officers or staff from another force, that force shall be responsible for implementing Post Incident Procedures and nominating a Post Incident Manager if necessary. However, it is recognised that a joint approach to managing the incident may be necessary and that Merseyside Police will naturally need to put in place initial actions relating to scene management etc.

Outcome Evaluation

Reviews of this procedure will include a dip sample of PIP's implemented within Merseyside Police, to ensure that their conduct is compatible with the terms of this procedure and therefore meet its aims and objectives. These audits will be completed by corporate support department.

Following the conclusion of a PIP and any associated investigation (whether conducted by Merseyside Police or the IOPC), consideration should be given to arranging a structured debrief with all parties in cases where it is clear that organisational learning can be obtained. This may lead to amendment of this procedure where necessary. It will be the responsibility of the PIM to ensure a debrief takes place in these circumstances. Such a debrief should only take place after providing detailed accounts or evidential statements to the IIA; and where there is an indication that, having considered available evidence, there is no suggestion of criminal action or misconduct on the part of anyone attending the debrief. Where such criminal acts or misconduct have been identified, this should be taken into account in determining whether a debrief is appropriate. Legal advice should be obtained as appropriate.

Prior to final approval, this procedure has taken due consideration of consultation with Force Custody, Force Negotiators, Roads Policing and the Professional Standards Department, Superintendents Association, Merseyside Police Federation, Unison, Occupational Health and Human Resources Department. Any future amendments to this procedure deemed necessary should be made in consultation with these departments where appropriate.

Procedure

Version Control History

Version	Date	Collar Number	Description of Change
V1.1	12/11/2018	5101	Amendment to section 3.16. Due to change of structure in Matrix Operations
V1.1	12/11/2018	5101	Amendment to PIM Suite list.
V1.2	12/11/2019	5101	Amendment to PSD involvement in procedures
V1.3	07/08/2020	5101	Change to Outcome Evaluation – Further information regarding requirement to hold structured de-briefs.
V1.3	07/08/2020	5101	Amendment to s1.1 – Duty PIM to be involved in decision making process as to whether a PIP is to be held or not.
V1.3	07/08/2020	5101	Change to s1.3 – Definition of Serious Injury. APP has reduced the threshold in this area of the PIM Criteria. Merseyside Police Chief Officer Team have agreed that the previous definition of serious injury (Life changing/Likely to prove) will remain
V1.3	07/08/2020	5101	Additional information from APP added to s1.4 (Scalability)

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1. Criteria for Implementation of Post Incident Procedures (PIP)

1.1 Overview.

The decision as to whether post incident procedures (PIP) are implemented will ultimately be taken by a Chief Officer in consultation with the Force Duty Officer (FDO), Initial Investigating Officer (IIO) and duty Professional Standards (PSD) Officer. Prior to briefing the Duty Chief Officer the FDO should contact the Duty Post Incident Manager and consult with them to ensure that they are involved in the decision making process.

The criteria for referral of death or serious incidents (DSI) to the IOPC is wide ranging and it is neither appropriate nor practicable to commence a PIP for every referral.

Post incident investigations will commence in all situations where there has been contact with police or some causational link, intentional or unintentional which has or may have;

- 1) Resulted in death or serious injury
- 2) Revealed failings in command
- 3) Caused danger to officers or the public

Sections 1.2 and 1.3 below, provide greater detail in relation to when DSI incidents are likely, or otherwise, to require the implementation of PIP.

It is recognised that the implementation of a set criteria can be problematic, as each individual incident will inevitably have its own unique set of circumstances and particular issues. As such it is recognised that the decision as to whether or not a PIP is necessary, will ultimately be one for Chief Officers.

1.2 Death.

There are five different categories of death in police contact as defined by the IOPC (for detailed guidance as to whether or not a particular incident fits the definition of being 'in police contact' please see the definition in section 5).

In all cases of death meeting the definition of being in 'Police contact', a PIP should be given due consideration with reference made to the overarching principles set out in section 1.1.

Where there has been a death in Police contact, which has arisen as a direct result of use of force by an officer / member of staff, then generally a PIP will be advisable as the best means of securing an untainted and accurate account of the Key Police Witness's honestly held belief, in addition to any other evidence.

Ultimately, it will be a decision for the Chief Officer as to;

- 1) Whether any of the overarching principles apply.
- 2) Whether or not implementing Post Incident Procedures at that time will be of sufficient benefit to the investigation to make it necessary and proportionate.

As such a PIP may not be implemented in every instance where a death is referred to the IOPC.

The below are examples of deaths in police contact which must be referred to the IOPC, but where it is not likely that a PIP would be proportionate or necessary:

- The subject is released from custody and commits suicide 36 hours later, but there is no suggestion that the suicide relates in any way to the period spent in custody. This would be referred to the IOPC, but the time that has elapsed since the Police contact and the circumstances of the death, mean that a PIP would have little or no impact on the investigation and would be unwarranted.
- Officers attend at a flat to effect the arrest of a wanted subject. On calling at the front door, the subject knows he is wanted for arrest, so jumps from a window in an effort to escape and in doing is fatally injured. The officers were never in physical contact with the subject and did nothing more than knock at the door. The matter would be referred to the IOPC and may even be subject of an independent investigation, but a PIP is neither necessary nor proportionate.

Conversely, the below are examples of situations which clearly fall within the overarching principles and where there would therefore be a clear benefit of implementing PIP:

- A police driver is engaged in a pursuit of a motor vehicle. The officer makes a decision to make a tactical contact with the subject vehicle in an effort to end the pursuit. As a result of the collision, the subject vehicle leaves the road and hits a tree resulting in the immediate death of the driver.
- Officers attend a dwelling in response to a report of a domestic incident. Upon arrival the officers are attacked by the subject and one of the officers deploys a baton strike to the subject rendering him unconscious. Officers render first aid, but the subject dies at the scene.

1.3 Serious Injuries.

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 (see [section 29](#), Police Reform Act 2002).

The IOPC definition of a serious injury is wide ranging and effectively covers injuries such as Actual Bodily Harm. Whilst all such serious injuries will obviously continue to be referred by PSD as required by law, it is by no means intended that all serious injuries should be subject to Post Incident Procedures. In some cases the full procedure may not need to take place every time and will depend on the circumstance and consequences of the event. This would not be necessary, proportionate or practical.

As such, implementation of Post Incident Procedures should be considered in the case of serious injury when:

- 1) The injury is likely to lead to death.
- 2) The injury is of such a serious nature, that it is likely to be life changing for the subject. Examples may include, but are not limited to: an amputation, an injury causing paralysis, an injury causing blindness, etc.
- 3) The circumstances of the DSI is likely to require the declaration of a Critical Incident.

1.4 Scalability.

The Chief Officer may make a decision that although post incident procedures are necessary, a full PIP is disproportionate to the nature of the DSI incident.

In such circumstances, 'post incident procedures are scalable and forces should consider their proportionate application according to the circumstances.' (APP 07-002). Post incident procedures are therefore a flexible approach to post incident investigation, being able to be scaled up or down dependent upon the circumstances of the incident.

A trained Post Incident Manager can offer advice to the FDO and/or Chief Officer as to how a PIP may be scaled back and any implications that may require to be considered.

In making this decision due cognisance should be made of the needs of investigators and the investigative process. Consultation with investigators should therefore occur before a decision as to the extent of the PIP is made.

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.

APP states;

Where a DSI occurs, regardless of whether force has been used, post-incident procedures need to 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.

2. PIP Roles & Responsibilities

2.1 Incident Operational Commander (Bronze).

When an incidence of DSI occurs, a supervisor will be identified as a bronze commander and shall attend the scene promptly, if not already present. In practice this supervisor will likely be a Critical Incident Manager.

Until the arrival of that supervisor, this procedure places a duty on any officer at the scene to give due regard to the initial responsibilities of the bronze commander.

Responsibilities:

- Will ensure that the operational needs of the incident have been met or, if this is not practicable, that officers who will not be involved in the PIP are suitably briefed to continue the operational response to the incident, once he or she has left the scene to attend the PIP suite. An example of this would be a situation whereby a DSI incident has occurred, but a threat to some person's safety or to property still exists, requiring a police response.
- Will ensure that first aid is being administered to casualties pending the arrival of Northwest Ambulance Service.
- Will ensure that the scene is protected and that evidence is preserved until the arrival of the Initial Investigating Officer (IIO).
- Should ensure that any weapon(s) or perceived weapon of the subject (person suffering DSI) is located and secured in situ unless it is dangerous to do so.
- Liaises with the IIO and, where Taser has been deployed as part of the incident, ensures that a suitably qualified officer supervises the safe unloading of the device(s) and identifies which device was carried by which officer.
- Will remind officers and staff about their responsibilities regarding conferring as detailed in section 3.4 of this policy.

2.2 Force Incident Manager (FIM).

On being notified of a DSI incident the FIM shall assume the role of initial Silver Commander, but will brief and hand over command to the FDO as soon as possible.

Responsibilities:

- Will remain operational until satisfied that there is no longer a risk of further injury/death or damage to property, that the scene has been secured and is being managed and that the PIP has been implemented (if approved).
- Will ensure that an Operational Commander has been identified and is either at scene or en-route.
- Considers the safety of the public and police personnel, and the immediate welfare of casualties.

- Immediately inform the FDO of the potential need for a PIP and provides a full briefing
- Will arrange for the relocation of officers and staff involved, to the venue of the PIP.
- Considers which officers and/or staff are to be treated as Key Police Witnesses, in conjunction with the NPCC officer, FDO, IIO and PIM.
- Establishes the facts of what has taken place and ensures that all relevant information is recorded on the Storm log.
- Should consider at an early stage restricting access to Storm logs.

2.3 NPCC officer

On being notified of a DSI incident, if the decision is made to commence a full post incident procedure then the Chief Officer will assume Gold command.

Responsibilities:

- Initiating Post Incident Procedures.
- Ensuring that investigation and welfare procedures are implemented.
- Appoints a PIM.
- Appoints an IIO.
- Ensures that the Key Police Witnesses are identified.
- Considers referral to IOPC.
- Subject to referral to the IOPC, agrees the media strategy.
- Ensures that all relevant information is recorded.

2.4 Force Duty Officer (FDO).

The FDO will relieve the FIM of Silver command as soon as they have been suitably briefed by the FIM.

Responsibilities:

- Will make initial contact with PSD who will jointly decide if the matter should be referred to the duty Chief Officer (Gold) to provide an initial briefing and for a decision as to whether a full PIP should be implemented.
- Will ensure that the DSI incident is referred to the IOPC after consultation with PSD and a Chief Officer.
- Will ensure that investigation and welfare procedures are implemented.
- Ensure that the Key Police Witnesses are identified in consultation with IIO, Chief Officer, PSD and PIM.

- Ensure that all relevant information is recorded.

2.5 Post Incident Manager (PIM).

The PIM will be appointed by the Chief Officer. PIM's receive an initial training course, followed by annual refresher training and will be recredited every five years.

The PIM will, when practicable, be an officer of at least the rank of Inspector.

Responsibilities:

- Facilitates the investigation.
- Ensures the integrity of the process.
- Ensures that the needs of Key Police Witnesses are addressed in a manner which does not compromise the investigative process.
- Opens a policy log and ensures that all relevant information and decisions are recorded, including any issues of anonymity.
- Considers which officers and/or staff are to be treated as Key Police Witnesses, in conjunction with the Chief Officer, FDO, IIO and FIM.
- Establishes immediate contact with the Key Police Witness and ensures that they are given immediate support.
- Considers whether to assign a member of the PIM team to each individual Key Police Witness.
- Advises all relevant members of staff that Post Incident Procedures have been implemented and fully explains the PIM role.
- Meets the IIO or any representative from the IPCC.
- Takes measures to ensure the physical and emotional wellbeing of the staff involved.
- Considers the attendance of a doctor or health advisor.
- Ensures access to telephones to enable officers / staff to contact relatives or friends.
- Informs relevant departments and agencies of the need to attend, if necessary (i.e. the occupational health unit, doctor or FME and staff associations as appropriate).
- Ensures that any necessary forensic procedures are dealt with as early as possible and that officers / staff are fully informed of the relevance of the procedures (e.g. the seizure of exhibits).
- Secures early legal advice or representation if requested.
- Maintains dialogue with the IIO and addresses issues with them including press releases and the progress of the investigation, to update officers / staff.

- Advises Key Police Witnesses of their responsibilities regarding the discussion of the incident with colleagues.
- Facilitates the process in which officers / staff provide accounts and ensures these (where made) are provided to the IPCC.

2.6 Appointed Officer.

The Appointed Officer will be appointed by the Chief Officer. He or she will, when practicable, be an officer of at least the rank of Inspector and is a qualified PIM.

Responsibilities:

- Works under the direction of the PIM within the PIP suite.
- May support the PIM in his or her roles and responsibilities where they relate to the obtaining of accounts from officers.
- Must fully record their observations and actions.
- Establishes Key Police Witness' legal status.
- Ensure access to legal representation / staff association or DLS where necessary or requested.
- Explains conferring guidance from APP to Key Police Witnesses.
- Ensures that any conferring that takes place is compliant with APP and documented by those conferring.
- Prevents any inappropriate conferring (eg: conferring that relates to an individual's honestly held belief at the time force was used).
- Ensures that any reference material used by the officers is secured and handed to investigators against a receipt / exhibit number.
- Documents the process by which accounts are provided (including interruptions, breaks and abstractions).
- Ensures that all accounts are time stamped by those making them as soon as practicable after completion.

2.7 Initial Investigating Officer (IIO).

The IIO will be appointed by the Chief Officer and will ordinarily be a BCU Detective Inspector, Duty Detective Inspector (Out of hours) and/or a Detective from PSD.

- Has early dialogue with the IOPC to agree responsibilities and key actions.
- Opens a policy log and ensures all relevant information and decisions are recorded, including issues of anonymity.
- Agrees initial terms of reference with FDO.
- Identifies and preserves evidence.

- Ensures effective scene management.
- Considers which officers or staff are to be treated as Key Police Witnesses (in conjunction with the Chief Officer, FDO and PIM).
- Identifies and consider relevant national guidelines.
- Liaises with the FIM on initial actions at the scene.
- Liaises with the FDO on media policy.
- Liaises with and consults the PIM.
- Makes early contact with the appointed investigator from the IOPC.
- Carries out those enquiries deemed urgent and those that may assist in the collation of evidence which may be lost prior to the arrival of the investigator from the IOPC.
- Agrees initial objectives in relation to forensic evidence.
- Makes early contact with the pathologist (where appropriate).
- Liaises with CSI.

2.8 Force Medical Examiner (FME).

- If required by the PIM or IIO, will attend the PIP suite for the purpose of medical examinations of officers or staff for welfare reasons. Should any concerns be made post examination the PIM will ensure that measures are subsequently taken to bring this to the attention of a TRIM assessor or OHU to enable the matter to be monitored longer term.

2.9 Police Federation Representative / staff association representatives.

- Will be requested by the PIM to attend the PIP suite in order to offer support and advice to Key Police Witnesses where necessary.

3. PIP Implementation & Process

3.1 Recognition of necessity & notification

If an officer is involved in any incident whereby a death or injury occurs to any person, they must inform the control room immediately.

At this point a Storm CAD log should be created, if there is not already one in existence for the incident which officers are attending. If the DSI incident is as a result of a Road Traffic Collision, for example where officers are en-route to an incident, then a separate cross referenced log should be created.

A suitable officer should be identified to act as the Bronze Commander (this can be an officer at scene, as may be the case in a custody suite, or if a supervisor is in attendance at an incident), but otherwise a Bronze Commander should be deployed to the scene of the DSI incident. In most cases, it is likely that the Bronze Commander will be a Critical Incident Manager or in some circumstances a patrol Sergeant / Custody Sergeant.

The FIM will assess the facts and determine if there has been a death or serious injury and whether that DSI falls within the definition of police contact

If satisfied that the incident MAY warrant Post Incident Procedures, then he or she will refer the incident to the FDO.

The FDO will assess the facts against the criteria defined in section 1 of this procedure and make a further assessment as to whether a PIP will be necessary.

The FDO should involve the duty PIM in the decision making process.

The FDO will perform a "gatekeeper" function and be in a position to decline the implementation of a PIP. Alternatively he/she will then assume the position of silver commander and, after consultation with duty PSD, contact the duty Chief Officer who will consider the implementation of a PIP.

3.2 Procedure initiation and assignment of roles

The Chief Officer will assess the facts against the criteria defined in section 1 of this procedure and make a final decision as to whether a PIP will be implemented and whether it will be a full PIP or a scalable version.

It may be the case that the incident falls outside of the criteria for implementation of a PIP as defined by this procedure, but the Chief Officer retains the right to implement a PIP based on the particular details of a given incident.

The Chief Officer will appoint an IIO, PIM and Appointed Officer, and the FDO will ensure that sufficient staff are resourced to form the PIP team which will be under the direction of the PIM.

The FIM has access to a list of qualified PIM's / Appointed Officers supplied by Matrix Serious & Organised Crime, including an on call list for out of hours PIP's.

3.3 Continuity of conventional policing

The FIM will be responsible for ensuring that any impact to the on-going business of the force, caused by the need to resource a PIP and remove officers to a PIP suite, is mitigated as far as possible.

It may be necessary to consider calling Operation Resolve in order to supplement officers / staff in the affected area.

3.4 Warning officers re conferring

The Bronze Commander at the scene or FDO will remind officers / staff of the contents of this section of the procedure.

Further advice in relation to conferring will be reaffirmed by the PIM at the earliest opportunity.

The following wording summarises the position relating to conferring and all points within should be conveyed to officers:

As a matter of general practice officers / staff should not confer with others before making their accounts (whether initial or subsequent accounts). There may, however, be a need to speak to one another during an incident in which a death or serious injury has occurred, in order to resolve an ongoing operational or safety matter. The important issue is to individually record what their honestly held belief was at the time force was used or other decisions were made. There should, therefore, be no need for an officer / member of staff to confer with others about what was in their mind at the time of the incident or when decisions were made. If, however, in a particular case a need to confer on other issues does arise, then, in order to ensure transparency and maintain public confidence, where some discussion has taken place, officers / staff must document the fact that this has taken place, highlighting:

- Time, date and place where conferring took place.
- The issues discussed.
- With whom.
- The reasons for such discussion.

3.5 Scenes, evidence and witnesses.

It is of paramount importance that any scenes relating to a DSI incident be secured and managed as soon as possible.

A scene log should be commenced at the earliest opportunity.

Any evidence which could be at risk of loss should be secured immediately and any witness details obtained before they leave the scene.

Police vehicles must not be moved from their positions without the agreement of the IIO, unless there is a legitimate and absolute necessity due to critical safety issues.

Any weapon, or perceived weapon, of a subject should be secured in situ unless to do so would be dangerous.

Officers should be aware that any failure to follow basic golden hour principles at the scene of a DSI incident, particularly if the actions of police officers are later called into question, may result in a lack of public trust and confidence in Merseyside Police and the legitimacy of initial investigations.

An open, transparent and thorough Golden Hour based approach to a scene will help to ensure that there will be no perception of impropriety on the part of officers or staff.

3.6 Identification of Key Police Witnesses

A Key Police Witness is an officer / member of staff who can give direct evidence of the circumstances leading to a use of force, or leading to a decision made / action taken, which led to a death or serious injury.

Examples of a Key Police Witness could be:

- An individual who used force on the subject.
- A driver involved in an RTC.
- An individual directly witnessing a use of force.
- An officer maintaining constant observations during a death in custody.
- A force negotiator.

This is by no means an exhaustive list and the identification of Key Police Witnesses will depend to a large extent on the basic facts of an individual incident.

Key Police Witnesses will be identified at the earliest opportunity by the IIO, FIM, Chief Officer, FDO or PIM.

When operationally stood down the Key Police Witnesses will all be removed from the scene to the PIP location.

As the investigation continues, Key Police Witnesses beyond those initially highlighted, may be identified.

3.7 Anonymity of officers / staff

It is expected that issues around anonymity in DSI cases will only need to be considered in a minority of cases and each incident should therefore be considered in isolation. The issues of affording anonymity in each case will be considered and authorised by a Chief Officer after consultation with PSD.

Anonymity will normally be achieved by providing each officer with a unique reference, which will replace their name and force identification number on all documentation. An example might be "Witness 1" or "Witness Alpha". The assignment of such pseudonyms should be random to avoid assumptions that, for example, "Witness 1" will be the most significant officer / member of staff involved in the incident.

The PIM will be personally responsible for the list of identities and their corresponding pseudonyms, and for keeping that list secure.

It is essential that officers and staff not involved in the PIP are made aware that their colleagues have been granted anonymity for their safety and potentially that of their families. Supervisors are expected to take a robust approach in preventing any unnecessary discussion as to the identity of officers involved. Staff asking questions about an incident subject to PIP should be positively challenged and the reasons behind anonymity explained to them.

The aim of providing anonymity is to maintain the safety of witnesses, their families and their property and prevent undue media intrusion at a witness' home.

For example, it may be the case that the subject involved in the DSI incident is a member of an Organised Crime Group or is closely related to such persons.

A threat assessment should be considered relating to the witness, their family and home.

3.8 Preparation of PIP suite

The FIM will identify the nearest available / suitable PIP suite and make arrangements for the tasking of officers to clear the venue, should this be appropriate or practicable, of any staff not involved in the PIP, before preparing the suite for the reception of officers / staff.

Section 4 provides several locations that may be utilised as a PIP suite within Merseyside Police.

3.9 Removal of officer(s) / staff to PIP suite

As soon as practicable, after the scene has been secured, officers / staff involved in the DSI incident should be removed to the PIP suite identified by the FIM.

Prompt removal of officers / staff from the scene is particularly important where anonymity is being put in place.

If it has been decided at this early stage that it is necessary to separate officers / staff (see section 3.10 below) then they will need to be transported in separate vehicles.

3.10 Separation of officers / staff

It may be necessary to separate Key Police Witnesses in order to prevent conferring.

A decision will be made by the FDO as to whether or not separation of Key Police Witnesses will be necessary in the first instance. If the FDO decides to instigate separation, the decision can be reversed later by the PIM or Chief Officer if it is found to be unnecessary.

Officers should not be separated as a matter of routine. Officers should only be separated when it is necessary, safe, and practical to do so.

The decision to separate will be necessary when there are grounds to suppose that:

- A criminal offence may have been committed by a Key Police Witness.
- A disciplinary offence may have been committed by a Key Police Witness.

- Guidance is not being complied with and officers have/may confer inappropriately.

Separation may also be considered where the only evidence of the circumstances of a use of force lies in the hands of a very limited number of officers / staff.

Once it has been established that separation is necessary, it should be considered whether separation is safe in relation to on-going operational circumstances. Separation must not be initiated until it is safe to do so.

If separation is deemed necessary and can be safely implemented, it should be considered whether or not it is practical.

Whether or not separation is practical, will depend on factors such as the location of the incident, the number of officers who need to be separated and the resources available to achieve separation (particularly relating to vehicles and drivers for conveyance and to suitable accommodation at PIP venues).

The rationale for either separating or not separating Key Police Witnesses, should be recorded appropriately. This may be on the Storm CAD log, or in the case of the PIM, on a policy log.

3.11 Seizure of clothing and or equipment

On arrival at the PIP suite, the IIO (in liaison with the IOPC if applicable) will decide whether or not it will be necessary to retain clothing and / or equipment of officers as exhibits.

Items of Merseyside Police issue uniform and equipment remain the property of Merseyside Police and can be retained without the permission of officers.

However personal items belonging to officers / staff may not be seized unless a criminal investigation exists (which should never be the case in a PIP suite) or there is a genuine investigational need and the officer / member of staff provides their consent freely in order to aid the progress of the investigation.

Clothing should not be seized from officers as a matter of routine. There should be a genuine investigatory requirement which the IIO will explain to the PIM who will brief the officers / staff concerned.

If clothing is to be seized from officers, then suitable replacement clothing must be made immediately available. Paper suits will never be acceptable replacement clothing.

Should any clothing/equipment be secured which are contaminated with hazardous biological substances they are to be stored in appropriate approved locations. After handling containers personnel must wash their hands and not eat or drink in the vicinity of where hazardous material is stored. Hazardous substances must be disposed of safely and responsibly to prevent injury / contamination to those individuals undertaking the disposal or other persons in the workplace.

When cleared following forensic examination etc. materials contaminated by bio-hazardous liquids such as blood and other body fluids may be made safe by using bactericidal/viricidal spray (eg. Trigene or Response Spray). The sprays and spill kits should be available to all staff. Always seek advice from your local Force Health & Safety Officer on the correct procedures for disposing of such material. .

3.12 Notifying next of kin re deaths

There should be no unnecessary delay in identifying and notifying the next of kin in the case of a death. The FDO/IIO should ensure that staff have been tasked to perform this role expeditiously.

3.13 Welfare of Key Police Witnesses

A Post Incident Procedure is not a criminal investigation and officers / staff should not be considered suspects. Ensuring the welfare of officers and staff is addressed is a key concept of Post Incident Procedures.

It should be borne in mind that it is not only the Key Police Witnesses who may have been affected by a DSI incident. Other direct witnesses, or indeed officers and staff not at the scene (for example control room staff) may have been affected, especially in the case of deaths. Welfare support for ALL involved should be addressed when possible and ideally, within 72 hours of the incident.

The following is a non-exhaustive list of welfare considerations which the PIM should address:

- Anonymity. Refer to [section 3.7.](#)
- Provision for access to legal advice and federation / staff association representation should be made as soon as possible. Officers / staff will be under no obligation to provide any accounts to the PIM until they have received access to legal advice.
- Officers / staff may be supported by a friend or trusted colleague, not involved in the DSI incident who is assigned to accompany them. This will be particularly important if separation has been implemented. This person may also be used in accompanying the officer / member of staff home at the conclusion of the PIP.
- Officers / staff should not be separated from each other unnecessarily and it should be recognised that the company and support, which colleagues can offer each other, is important in allowing officers to diffuse a stressful situation and manage levels of stress which may be induced by experiencing a PIP. [See section 3.10.](#)
- Provision should be made for access to telephones, so that officers / staff are able to call family and friends.
- Should officers / support staff uniform be contaminated (for example with blood) suitable and comfortable replacement clothing should be provided, regardless of whether their uniform is to be seized or not.
- There must be adequate provision of toilets and showering facilities.
- Should an officer / member of staff require medical examination, a doctor will be called to attend the PIP suite.
- The services of, firstly, a TRIM assessor and/or the Occupational Health Unit be made available also.

- Officers / staff should receive regular updates as to the progress of the investigation, the condition of the subject in cases of life threatening injuries and the elements of the PIP which remain to be addressed before they will go off duty, in order to give some sense of how much longer they will be engaged in the PIP.
- Adequate food and drink should be arranged for officers and staff in the PIP suite.
- When the PIP is either concluded or suspended, consideration should be given as to how officers will get home. It is highly likely that officers will have either been on duty long after the end of their rostered tour, or will not be up to driving themselves due to their state of mind. As such it will commonly be necessary to convey them home using police vehicles. The use of unmarked vehicles, if at all possible, may be preferable.
- Consideration should be given as to the effect the DSI incident may also have on the officer / member of staff's family. It may be necessary to provide a Family Liaison Officer (FLO), especially if the officer / member of staff has been publicly identified. It may be necessary to brief families on the possible effects of a traumatic incident on the officer / member of staff.
- It may be that an officer is suspended from duty in relation to the investigation and a plan for on-going contact and support will be required. In cases where suspension is not a concern, consideration should be given to whether the officer / member of staff would benefit from the allowance of special leave.

3.14 Obtaining accounts

Conferring.

Stage three and four accounts should be made without conferring between officers. This is of fundamental importance in achieving the aim of a PIP procedure in maintaining public confidence and trust.

Please refer to [section 3.4](#) for a full explanation of the rules around conferring.

Body worn video (BWV).

Officers may view and use any BWV footage obtained by a camera mounted on their OWN person, in order to complete their stage 4 detailed account.

BWV footage may highlight to the witness a difference between what they perceived (honestly held belief) / have reported in their initial account and what appears on the footage. This will give the witness the opportunity to explain that there is an apparent difference between their own perception and the footage.

Audio recording equipment.

Officers may avail themselves of the content of audio recording devices prior to completion of stage 3 and 4 accounts.

Stage one account (situation report).

The situation report is the initial notification of a DSI incident from an officer at scene to the control room. The report should include sufficient detail as to the basic facts of what has happened / is happening, in order to allow the FIM to make decisions as to how the incident should be managed and to perform his/her obligations regarding PIP.

Stage two account (PIM basic facts).

At the PIP suite, the PIM will be responsible for obtaining the stage two account. If at all possible, the account should be obtained from an officer or member of staff who is not a Key Police Witness. It can be provided orally or in writing. A federation officer or staff representative may be present.

This account should contain sufficient detail to:

- Confirm the identity of the officers / members of staff who were at the scene.
- Describe, in brief, their roles.
- Confirm who, for example: used force, was driving the Police vehicle, etc. Pseudonyms will be used if anonymity is being granted.

The account must be timed, dated and signed by the officer providing it to the PIM.

The PIM will retain a copy and provide the original to the IOPC as soon as possible.

If the only officer who can provide this account is a Key Police Witness, then the PIM should be especially mindful of the need for basic facts only and should ensure the opportunity to take legal advice is given before providing the account.

This account may be regarded as the first account of the officer / member of staff and could be disclosed in court.

Stage three accounts (personal initial accounts).

Each officer / member of staff, will provide a personal initial account before going off duty. This should be a timed, dated and signed written account, referring only to the individual's recollection of events. Stage 3 accounts should be provided BEFORE witnesses are allowed to view any video footage including footage from Body Worn Video (BWV).

A personal initial account should record the individual's:

- Identity (or pseudonym).
- Understanding of the nature of the incident. (For example: deployed to a call for service relating to a fight in the street, a detainee in custody relating to an offence of drunk & disorderly, a pre-planned operation to arrest a wanted subject, engaged in a police pursuit of a stolen vehicle...).
- Role in relation to the incident.
- Essential details of the witness' recollection of force being used, or of the decisions and actions made leading to the instance of a DSI incident. (For example: the nature of force used and what the subject was doing at that time or the actions of a Police driver and the subject driver in a Police pursuit in the moments leading to an RTC).
- If the witness used force, their honestly held belief that resulted in their use of force.

Stage four accounts (detailed accounts, statements Interviews).

The detailed account will not be obtained immediately during a PIP. They will usually be obtained after a period of at least 48 hours, giving officers and staff time to diffuse and be better able to provide an accurate detailed account.

The IOPC or PSD may require a stage 4 account in the form of a witness statement. Where officers or members of staff provide their own written statement (as opposed to having it taken by an investigator), it should be provided to the IOPC/PSD within seven days of the DSI incident.

The IOPC or PSD may instead require the account instead be provided in the form of an interview. Every effort will be made to arrange a mutually convenient date, but the interview cannot be delayed unduly. The IOPC have a legal power to compel police witnesses to attend such an interview. In this case, if the witness is genuinely unable to attend on that date, he or she must provide an alternative which is within 5 working days of the original date.

Witnesses may be accompanied and receive legal advice. They cannot be compelled to answer questions during an interview.

3.15 Custody Suite Incidents

Authorised Professional Practice provides specific guidance in relation to DSI incidents in custody. This procedure has been written with cognisance of APP guidance, so that where there are deaths or serious injuries in custody, the provisions of the procedure will be adequate to meet the requirements laid out therein.

However, APP also covers such incidents in custody as attempted suicides, where officers or staff have made successful interventions. Such circumstances would clearly not be covered by this DSI procedure and so the adverse incident procedures already in place will continue to apply in such circumstances to ensure that force custody suites continue to comply with the requirements of APP.

Where this procedure IS applied to a custody DSI incident, the following are considerations peculiar to the custody setting, in addition to the rest of this procedure.

- Where available, the custody Inspector will be most likely to assume the role of Bronze Commander, as specified in section 2.1. Should a custody Inspector not be available then the duty Critical Incident Manager will perform this role.
- Custody whiteboards should be photographed and a screenshot taken of digital whiteboards on Niche RMS.
- Consideration should be given to the fact that other Detained Persons may be witnesses. Consideration should be given to removing such witnesses from the scene, but their identities must be properly recorded first.
- Consideration should be given as to whether the incident is so serious as to necessitate closure of the relevant custody suite. The duty FDO will be consulted on this matter and will ultimately decide whether this course of action is necessary in the circumstances.
- In the case of serious injury incidents, the custody record of the DP must be fully updated with all actions taken. However, in the case of a death, a final entry should be made, before closing the custody record. All further information will then be recorded on the scene log / Storm CAD log.

If a decision is taken to close the relevant custody suite the bronze commander will consider requesting via the FIM to call Operation Resolve to facilitate movement of detainees to other custody suites.

3.16 Road Traffic Collision Incidents

Where there has been a DSI incident as a result of a Police Vehicle Collision (as defined by the Police Vehicle Collisions Policy), the IIO will liaise with the Roads Policing Unit (RPU) who will manage the scene and appoint an investigator suitably qualified in the specialist nature of such an investigation.

If a detective has yet to be appointed as IIO then the RPU Sgt will attend the scene and assume the role of IIO. The IIO will normally remain at scene, managing the scene, staff in attendance and initial lines of investigation.

The IIO will be responsible for requesting the attendance of the Forensic Collision Investigator who will map and record all scene evidence.

The IIO will appoint an RPU family liaison officer. They are normally responsible for delivering any death message.

No Police vehicles will be removed from the scene until authorised by the IIO who is advised by the RPU investigator. Furthermore, vehicles must not be driven from the scene unless the Incident Data Recorder (IDR) has already been downloaded at scene. If it has not, then vehicles must be removed by ROTA with a 'full lift'.

If IDR's have not been automatically activated, they must be manually activated immediately following the incident.

3.17 Incidents involving Negotiators

In incidents which occur as a consequence of or involve a negotiator deployment, a negotiator co-ordinator should be consulted. The negotiator co-ordinator can advise the PIM or IIO regarding the understanding of processes in relation to negotiator tactics. The co-ordinator can also assist the PIM with providing the requisite support.

3.18 Debriefs

Debriefs offer an important opportunity for organisational learning and for assisting officers / supervisors in identifying developmental needs, as well as identifying good practice.

It is recognised that debriefs will form an important role in assessing the success or otherwise in application of this policy and may inform future amendment.

However, it is important to note that in circumstances where there is an on-going investigation, including Post Incident Procedures, it will be necessary to delay any debrief pending the conclusion of that investigation.

Post Incident Managers are to ensure that any issues that may require a trauma risk incident management assessment which are not related to the ongoing investigation or post incident procedure are brought to the attention of an individual's immediate

line manager to ensure that support is provided and they are signposted to professional sources of help should this be required.

4. PIP venues

4.1 Selection and activation of PIP venues.

The FDO will identify, from the options available below and in consultation with the PIM, which PIP venue will be used.

The PIM will then ensure that officers or staff are deployed to the venue in order to prepare for the arrival of officers / staff involved in the PIP.

Consideration should be given, not just to the geographical location of the chosen venue in relation to the incident, but to factors such as impact on the occupancy / use of the venue at the time or near future and the size of the venue in relation to the scale of the PIP proposed.

4.2 Firearms Range, De Havilland Drive, Speke

4.3 Operational Command Centre, Leeward Drive, Speke

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4.4 Amenities Block, Headquarters.

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5. Glossary

5.1 Definitions.

Death in Police contact (five categories from IOPC):

- 1) Road traffic fatalities. Includes deaths of motorists, cyclists or pedestrians arising from police pursuits, police vehicles responding to emergency calls and other police traffic-related activity.

This does not include: Deaths following a road traffic incident (RTI) where the police have attended immediately after the event as an emergency service.

- 2) Fatal shootings. Not covered by this policy.
- 3) Deaths in or following police custody. Includes deaths that occur while a person is being arrested or taken into detention. It includes deaths of people who have been arrested or have been detained by police under the Mental Health Act 1983. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.

This includes:

- Deaths that occur during or following police custody where injuries that contributed to the death were sustained during the period of detention.
- Deaths that occur in or on the way to hospital (or other medical premises) following or during transfer from scene of arrest or police custody.
- Deaths that occur as a result of injuries or other medical problems that are identified or that develop while a person is in custody.
- Deaths that occur while a person is in police custody having been detained under Section 136 of the Mental Health Act 1983 or other related legislation.

This does not include:

- Suicides that occur after a person has been released from police custody.
 - Deaths that occur where the police are called to assist medical staff to restrain individuals who are not under arrest.
- 4) Apparent suicides following police custody includes apparent suicides that occur within two days of release from police custody. This category also includes apparent suicides that occur beyond two days of release from custody where the period spent in custody may be relevant to the subsequent death.
 - 5) Other deaths following police contact includes deaths that follow contact with the police, either directly or indirectly, that did not involve arrest or detention under the Mental Health Act 1983 and were subject to an IOPC independent investigation. An independent investigation is determined by the IOPC for the most serious incidents that cause the greatest level of public concern, have the greatest potential to impact on communities or that have serious implications for the reputation of the police service. Since 2010/11, this category has included only deaths that have been subject to an IOPC independent investigation. This is to improve consistency in the reporting of these deaths.

This may include:

- Deaths that occur after the police are called to attend a domestic incident that results in a fatality.
- Deaths that occur while a person is actively attempting to evade arrest; this includes instances where the death is self-inflicted.

- Deaths that occur when the police attend a siege situation, including where a person kills themselves or someone else.
- Deaths that occur after the police have been contacted following concerns about a person's welfare and there is concern about the nature of the police response.
- Deaths that occur where the police are called to assist medical staff to restrain individuals who are not under arrest

Post Incident Procedure.

A formally defined process, providing a means of securing and preserving evidence relating to a police incident and obtaining untainted personal accounts from officers based on their honestly held belief.

Key Police Witness (formerly Principal Officer).

Not to be confused with a key witness as used in crime cases on MG5 forms. In the context of a PIP, a Key Police Witness is any officer or member of staff who can give direct evidence of the circumstances leading to a use of force, or leading to a decision made / action taken, which led to a death or serious injury.

5.2 Abbreviations.

BWV	Body Worn Video.
DSI	Death or Serious Injury.
FDO	Force Duty Officer.
FIM	Force Incident Manager.
IIO	Initial Investigating Officer.
NPCC	National Police Chief's Council (Formerly ACPO).
PIP	Post Incident Procedure.
PIM	Post Incident Manager.
IOPC	Independent Office of Police Conduct (Formerly IPCC)

Appendix 1 PIP Aide Memoir for Bronze Commanders

PAGE 1 of 2

The control room can supply you with the FIM's extension to allow direct communication.

NOMINATION OF BRONZE COMMANDER.

In the vast majority of DSI incidents, the CIM will declare him/herself as the bronze commander, or if unable to fulfil the role as described below, delegate to a patrol Sergeant / custody Sergeant etc.

YOU MUST ATTEND THE SCENE WITHOUT DELAY.

FIRST AID

- Ensure provision of 1st aid to injured persons.
- Ensure ambulance en-route.
- Consider support from ARV officers with trauma packs if ambulance is subject to delays (available through FIM).

CONCLUDE THE POLICING INCIDENT

- Are there ongoing safety concerns to address?
- Have the operational needs of the incident been met, e.g: outstanding suspects etc?

PRESERVE THE SCENE.

- Apply golden hour principles.
- Any weapon, or perceived weapon, used by a DSI subject should be preserved in-situ, unless to do so would be unsafe (in which case secure in a manner having the utmost regard to forensic integrity).
- Ensure that you have sufficient staff to secure the scene.
- Ensure adequate cordons are in place.
- Police vehicles involved must remain in-situ.
- Ensure witness details are captured before they are able to leave the scene.
- Ensure officer's BWV have been activated and inform officers they must continue recording until instructed by the Post Incident Manager.
- Ensure a scene log is commenced.

PREVENT CONFERRING.

You must ensure that officers do not discuss the incident, unless absolutely necessary for safety or ongoing operational reasons. As soon as practicable, read the following warning to the key police witnesses:

“As a matter of general practice you should not confer with others before making your accounts (whether initial or subsequent accounts). There may, however, be a need to speak to one another during an incident in which a death or serious injury has occurred, in order to resolve an ongoing operational or safety matter. The important issue is to individually record what your honestly held belief was at the time force was used or other decisions were made. There should, therefore, be no need for you to confer with others about what was in their mind at the time of the incident or when decisions were made.

If you do need to confer you must record when and where you conferred, with whom, what you discussed and why.”

PIP Aide Memoir for Bronze Commanders

PAGE 2 of 2

STAGE 1 ACCOUNT (SITUATIONAL REPORT).

- Contact the FIM and provide a sit-rep. The report should include sufficient detail as to the basic facts of what has happened / is happening, in order to allow the FIM to make decisions as to how the incident should be managed and to perform his/her obligations regarding PIP. See Section 3.14 for more detail.

SEPARATION.

- Ask the FIM whether key police witnesses should be separated.
- If yes, arrange for officers / staff to be placed into separate vehicles for transportation to the PIP suite.

TRANSPORTATION.

- Ask FIM which post incident venue is being used and arrange for transportation of officers to the venue, as soon as practicable.

HANDOVER TO THE IIO.

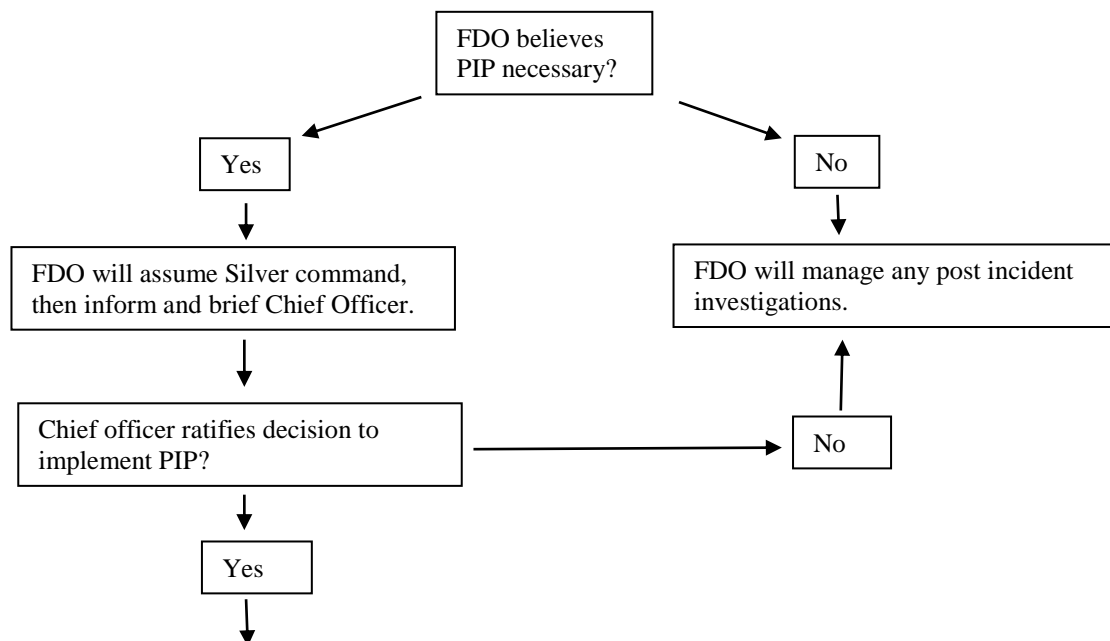
- The Initial Investigating Officer (IIO) will be appointed by Gold and is highly likely to attend the scene. He or she may be a Detective or Roads Policing supervisor for example.
- Before leaving you will brief the IIO about what actions you have taken at the scene in relation to preservation of evidence, scene management etc.
- The provision of accounts to the IIO and IOPC, regarding what has actually taken place, is the responsibility of the Post Incident Manager.

ATENDANCE AT PIP SUITE.

- Ask the FIM whether you are required to attend the PIP suite.
- It may be the case that you are the officer in the best position to supply the Post Incident Manager with the stage 2 account (basic facts – see section 3.14).

Appendix 2 PIP flowchart

- Officers at scene inform control room of occurrence of DSI incident.
- Control room create Storm log if one is not already in existence for the incident.
- Incident Bronze Commander identified and will attend scene.
- Control room notify the FIM, who will assess the circumstances as to whether a DSI has occurred in Police contact.
- If the circumstances MAY warrant post incident procedures, the FIM will inform and brief the FDO and notify PSD.



- Chief officer will appoint an IIO, PIM and Appointed Officer.
- FDO & PIM will ensure that a venue is identified and prepared, sufficient staff are made available to run a PIP and that consideration is given to resourcing continuing policing operations (Op Resolve may be considered).
- Chief officer will consider the issues of whether anonymity should be granted and whether or not separation is required.
- Post Incident Procedures will proceed under the supervision of the PIM team.

Appendix 3 National Decision Model

