

# Operational review

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The review of police operations is closely linked with the principle of policing by consent. It is also a feature of the [statement of mission and values](#). Hence, public confidence in policing can be influenced by a range of issues, including the perception that the police response was inadequate, inappropriate, or otherwise had a significant impact on the confidence of victims, their families and/or the community.

## Different types of review processes

Policing operations can involve multiple agencies and are regularly subjected to various [types of review processes](#) that result from [complaints](#) or concerns from the public or other internal and external stakeholder(s). Police reviews may also be self-generated for the purpose of [learning lessons](#), [peer review](#) and continuously improving performance.

A review may take place several weeks or months after the closure of the incident and recollection may be difficult. It is, therefore, important to keep full records of operational decision making and actions.

## Role of independent advisory groups

Using independent advisory groups (IAGs) during police operations or as part of the review process can be a positive step in improving transparency, as they have been shown to improve communications and engagement with communities.

The primary role of an IAG is to act as a critical friend to the police service and other responding agencies. It can provide real-time critical appraisal of police actions from the perspective of a recipient of policing services and a member of the community.

For further information see the [APP on independent advisory groups](#).

# Post-incident procedures

Where an incident or operation has had a significant impact on a community, post-incident procedures should be instigated. These involve the formal, independent review of police operations by a relevant investigative authority. Post-incident procedures should commence when an operation or critical incident:

- has the potential to cause serious damage to confidence in policing
- has resulted in death or serious injury
- has revealed failings in command, and/or
- where police actions may have caused danger to the officers or the public

A post incident manager (PIM) should facilitate the investigation and keep the parties involved up to date with the [progress of the inquiry](#).

## Post incident manager

Where the criteria for commencement of post-incident procedures apply, a PIM should be appointed to facilitate the investigation and ensure integrity of process. The PIM also ensures that the needs of the principal officer are addressed in a manner which does not compromise the investigative process.

A police manager who has not been involved in the incident, but is trained in post-incident management procedures, should undertake the role.

## Progress of the inquiry

[Section 21 of the Police Reform Act 2002](#) for England and Wales requires that all interested persons should be kept informed of the progress of a post-incident investigation by the [Independent Office for Police Conduct \(IOPC\)](#) or other appropriate authority. Procedures should be put in place to ensure that regular updates are provided, by either the PIM or by a force liaison officer.

Normally, the independent investigative authority briefs the force concerned on the current status of the investigation, and this must be done at least every 28 days.

## Post-operation debrief

This type of debrief should be arranged, where practicable, as it enables all information relating to the incident to be recorded and learnt from.

When officers have been involved in an incident or critical operation and are required to provide an account of the event, they should avoid conferring with other officers. For sharing lessons, where incident requires a multi-agency debrief, see [Joint Organisational Learning](#) and [Joint Emergency Services Interoperability Principles \(JESIP\)](#) for further information.

### Officers conferring

The dynamic nature of many police operations may prevent officers from being able to complete personal records fully or to remember every detail of the operation or incident. During a major incident, it may be personnel other than the ground officers (for example, drivers) who are better placed to record operational detail.

However, as a matter of general practice, an officer should not confer with other officers prior to making their personal account. This applies whether an initial or subsequent account is to be provided or not. The officer should individually record what their honestly held belief of the situation was at the time the event took place.

### Recording discussions

If for any reason a need to confer should arise, a conferring officer should ensure transparency. Public confidence is maintained by documenting any discussion that has taken place, including:

- time, date and place where conferring took place
- the issues discussed
- with whom
- the reasons for such discussion

The issue of whether and under what circumstances officers should be allowed to confer with each other is highly important. Recognising that an officer regrouping may be unavailable, an individual officer may wish to consider their personal position before deciding whether or not to confer with colleagues.

### Debriefing procedure

Where practicable, a post-operation debrief to collect and record all the information available is a crucial element in information and intelligence gathering, and in identifying good practice and lessons to be learned. Regrouping also provides the opportunity to provide medical aid to officers, if required.

Only in exceptional circumstances should debriefing take place when the criteria for post-incident procedures have been met, and prior agreement of any investigative authority involved must be obtained.

## Cases resulting in death or serious injury

Mandatory referrals to the relevant independent investigative authority include cases which result in death or serious injury. The IOPC is the relevant authority for England and Wales.

For further information see [IOPC Statutory Guidance](#).

## Cases that reveal failings in command

Cases that reveal failings in command, have caused danger to the public, or are in the public interest should be voluntarily referred to the relevant independent investigative authority. For further information, refer to force policy and/or the relevant investigative authority for the criteria for voluntary referral.

For further information see the [APP on Armed policing: Post deployment](#) and [Detention and custody: Statutory duty to refer to the IOPC](#).

## Multi-agency considerations

In some cases the police have worked in partnership with other agencies during an incident that then generates a complaint and/or review. Those agencies may also be involved in trying to identify issues that affect public confidence. When working with other agencies in these circumstances, the issues may centre on accountability and information sharing.

## Memorandums of understanding

Memorandums of understanding (MoUs) have been developed with most partner agencies to facilitate the free flow of information. Any liaison should be carried out through a single point of

contact (SPOC) and, where meetings take place, the officers involved must have the authority to act on behalf of their force.

## Agency primacy

Where more than one agency is involved, it must be established who has primacy during a review and which agency is responsible for liaising with the individual(s) raising the complaint or concern. The responsibility for resolving or investigating complaints, recordable conduct matters and death/serious injury matters is set out in law by the Police Reform Act 2002.

## Types of review processes

In the case of emergency or major incidents, reviews may take the form of government-led public inquiries, judicial reviews and local public inquiries. Other forms of review, such as police-led peer reviews, may assist the police in learning lessons from past operations that will improve future operational performance.

Following critical incidents, the police may also voluntarily refer the incident to the Independent Office for Police Conduct for independent review.

## Complaints and self-referral

There will be occasions when the reason for police action may not be apparent to the public. This may give cause for concern or anxiety, for example, to onlookers, relatives, neighbours and those innocent of any wrongdoing.

## Public confidence

Unless effective and consistent post-incident review processes are in place prior to the closure of an operation (for example, community surveys, IAG review), there may be no indication that public confidence has been damaged until the victim or other interested parties bring the matter to the attention of the force. This may be days or even weeks after the end of the incident itself.

## Explaining actions

In such circumstances, commanders should consider providing a suitable explanation for the actions taken. Depending on the effectiveness of the operation, forces may wish to ensure that the people affected by an incident or operation are aware of all the support and rights available to them. They should be made aware of their options for seeking redress (for example, the police complaints process) where applicable.

## Article 2 of the ECHR and the duty to investigate

Under the European Convention on Human Rights (ECHR), there is a positive duty on the State to ensure that where a death occurs at the hand of the State, an effective and independent investigation takes place. This includes any death caused by or brought about as a result of police action (ECHR Article 2, and the Human Rights Act 1998 Schedule 1, Article 2).

The European Court of Human Rights has held in [Jordan v UK \[2003\] 37 EHRR 2](#) and [Edwards v UK \(2002\) 35 EHHR 487](#) that the investigation must:

- be on the State's own initiative (for example, not civil proceedings)
- be independent, both institutionally and in practice
- be capable of leading to a determination of whether the force used was justified in the circumstances, and to the identification and punishment of those responsible
- be prompt
- allow for sufficient public scrutiny to ensure accountability
- allow the next of kin to participate

These principles were approved by the House of Lords in the case of [R \(ex parte Amin\) v Secretary of State for the Home Department \[2003\] UKHL 51](#) (the Zahid Mubarek case).

The requirements under the ECHR Article 2 are relevant and can extend to any situation in which death or serious injury occurs during a police operation.

## Public inquiry

Public inquiries do not take place without warning. There will be a history of dissatisfaction which could have extended over several years. The matter will probably have generated wide public interest with comprehensive, and often critical, press coverage. During the intervening years, the police may have been required to respond to a range of matters, such as:

- complaints from the victim, their family and the community
- letters from members of parliament
- questions asked in parliament

In spite of this, interested parties still feel that the only way to resolve outstanding questions and issues is by a full independent inquiry open to public scrutiny.

## Calling a public inquiry under the Inquiries Act 2005

A public inquiry can be called by a government minister. Such a decision is not to be taken lightly. A minister will call a public inquiry only where:

- particular events have caused or are capable of causing public concern, or
- there is public concern that particular events may have occurred

A number of [basic principles for dealing with public inquiries](#) have to be followed when one is called.

## When an inquiry is called

This is usually several years after the incident which led to it. This time delay places additional pressure on the force concerned because police officers or other members of police staff involved in the original incident may no longer work for the force, they may have retired or even died. Irrespective of this, the force concerned is still accountable for the decisions and actions of those officers present at the time.

## Managing the force response to a public inquiry

The chief officer tasked with managing the force response to a public inquiry may not have been in post or even in force at the time of the incident. They must, therefore, approach the process and the management of the incident with an open mind. It is important that they do not defend the decisions of their predecessors without first reviewing those decisions and how the incident was managed as a whole.

## Basic principles for dealing with public inquiries

- Avoid assumptions and stereotyping – as with any incident, every effort must be made to avoid early assumptions or stereotyping about the individual or groups from which dissatisfaction or concern about the police has originated. Concerns must be managed in a proactive, open, honest and realistic manner.
- Ensure the independence of the chief officer managing the process – the chief officer assigned to manage the public inquiry process should not have been directly or indirectly involved in the original incident.
- Assess the impact of an inquiry on the relationship between the force and police and crime commissioner (PCC) – the local PCC will have a significant interest in the proceedings and outcome of a public inquiry. Where applicable, there should be a consistent and coordinated response by the force and PCC. However, in some cases this may not be appropriate.
- Provide a dedicated inquiry team – chief officers should assign a dedicated inquiry team to ensure that the force response is informative, consistent and coordinated. The team should be committed to managing the process through to the conclusion of the inquiry, and should consist of officers with experience relevant to the incident but who, ideally, were not directly involved.
- Consider victim care – as part of the police response to the inquiry process, it may be necessary to provide care to the victim of the incident and their family. Support should also be provided to witnesses (including police officer/staff witnesses).
- Implement a media strategy – the incident which triggered the public inquiry will already have a high media profile and a media strategy should be in place. To ensure that a coordinated and consistent message is conveyed to the media, it is essential to have a strategy agreed between the lead chief officer, the legal services department and the police inquiry team.
- Involve the community – involving community representatives and IAGs may help to restore communication processes between the police and the community.

## Learning lessons

A review will evaluate the police response and determine whether:

- it conformed to nationally approved standards
- it was thorough
- it was conducted with integrity and objectivity
- any investigative or other opportunities were overlooked
- good and bad practice was identified

In some cases, a review of the original police response shows that everything that could have been done was done.

## Peer review

Forces frequently invite operational counterparts and specialists from neighbouring forces to evaluate their operational performance. Peer reviews support the principle of police interoperability, continuous improvement and information sharing.

Police practitioners participating in a police review (for example, a 28-day review of a major crime) may examine any aspect of the force's operation, investigation or other police process related to the incident.

For further information see the [National Police Chiefs' Council \(NPCC\) \(2021\) Major Crime Investigation Manual \(MCIM\)](#).

## Tags

Operations