

Guidance for police witnesses in investigations

February 2020

The Independent Office for Police Conduct (IOPC) investigates serious and sensitive incidents and allegations involving the police. At the start of every investigation, we outline which parts of the incident or event we will investigate, and this is detailed in our terms of reference for the investigation.

Our investigators are responsible for gathering evidence to establish all the circumstances of what has happened including taking accounts from witnesses – this includes witnesses who are police officers.

Purpose of this guidance

The purpose of this guidance is to provide officers with information on what they can expect when asked to provide a witness account; the information that we will provide to them; and how we will reach decisions on the most appropriate way of engaging with the officer.

It also explains the expectations that we have of the officer who is being asked to provide an account and how we expect them to interact with us. If during the course of an investigation the officer is identified as a subject, they would be notified of this by way of an appropriate formal notice.

What an officer can expect

- **To be advised that they are being treated as a witness:** this means that they will be notified that for the purposes of the investigation, they have the status of witness and are not a subject of the investigation.
- **That the scope of the investigation will be clear:** this means that the extent and purpose of the investigation should be explained and the parameters defined. The officer should be provided, where possible, with an explanation of what the IOPC is investigating (this will always be subject to the harm test).
- **To receive an explanation of how the investigator feels the witness can assist the investigation.** Specifically, they should be provided with details of:
 - why the incident is being investigated
 - what it is believed the officer may have witnessed; and
 - what it is thought the officer may know.
- **A proportional and reasonable approach:** this means that the request for a witness account should be reasonable and proportionate to the investigation, and other evidential sources have been considered and explored (such as body worn cameras) before a witness account is deemed necessary.
- **That submission of a written statement by the officer should be considered before asking them to attend a face-to-face meeting;** it will often be proportionate and reasonable to obtain an account by asking the witness to

provide their account in statement format. The statement should be written by the officer, in their own words.

- **A reasonable amount of time in which to submit a written statement:** a timescale for submission of a written statement should be agreed to allow the officer time to provide the witness account (and seek advice from their staff association and/or legal representative if appropriate) whilst being cognisant of the need for a timely response.
- **That a requirement to attend a face-to-face meeting is explained:** the most important priority for the IOPC is to ensure that all enquiries are conducted efficiently, thoroughly and in a timely manner.

An officer's witness account may be key in obtaining this evidence and it therefore may be reasonable and proportionate for a first account to be provided in person. This meeting will be audio recorded and copies of discs will be made available to the witness who will have the opportunity to request amendments prior to signing a written account.

Examples of when this may be necessary could include the witness being young in service and needing more support; where the incident is complex and may require additional clarification and exploration; and in cases where the serious and sensitive nature of what took place or the complexities linked to the incident are most likely to require clarification by the witness.

Co-operation with an investigation

The [standards of professional behaviour](#) outline the standards expected from police officers. Under the duties and responsibilities heading, it states that 'Police officers have a responsibility to give appropriate co-operation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness'.

If lack of co-operation is alleged, an officer can expect:

- **To have any interpreted lack of co-operation evidenced:** The IOPC has a clear expectation that officers will co-operate with investigators during an IOPC investigation. Non-co-operation of a witness might include refusing to answer reasonable questions, not submitting a statement within the agreed timescale, or failing to attend an interview without good reason. If the IOPC investigator feels the officer is not co-operating, they should set out the grounds on which they believe that the officer has not co-operated with the investigation, what the officer needs to do to demonstrate that they are co-operating, and also provide an explanation of what the consequences may be if co-operation is not forthcoming.

- **To understand the steps that might be taken in the event of non-co-operation:**
 - If there were undue delays in providing a statement or in agreeing a date for a face-to-face meeting, the IOPC has the power to compel a witness to attend interview and give them a date to attend.
 - During face-to-face discussions, if the witness was felt to be disruptive or un-co-operative our investigations staff would make them aware of this.
 - If non-co-operation continued, consideration would be given to notifying the professional standards department of this after the discussion concluded.

- **To receive an explanation of the steps that should be taken if they are unable to comply:** if the officer cannot provide a witness account (or if this is likely to be delayed), they should contact the investigator as soon as possible upon receipt of the request with an explanation of why they cannot comply. An IOPC investigator would usually look to process this statement within a 14 calendar day period, therefore the witness should look to notify the IOPC if there are factors that may delay this.

The IOPC expects:

- **That officers will provide an account:** we expect that the officer will provide an account verbally or in writing depending on the most reasonable and proportionate way of ascertaining that information.
- **That this account will be full and frank:** we understand that officers can only provide an account of events that they have witnessed and would expect them to answer any questions fully with the information known to the officer at that time.
- **That any difficulties encountered in providing a full and frank account are identified and communicated promptly:** examples of this are if a witness requires more specific information which will enable them to provide an account.
- **That officers will respond to follow up questions or requests for clarification;** we expect the officer to respond positively to any reasonable and necessary supplementary questions from an investigator relating to an earlier response or statement.
- **That the officer will attend meetings in person when reasonable and proportionate to do so.** This could include instances where:
 - A more timely and comprehensive response could be achieved via face-to-face meetings (for example, where the incident is complex and there is a need to ask the witness questions to establish the facts.) This can be

crucial in gaining the best understanding of what the witness saw, thought and felt at the time and may not always be included in written statements.

- The officer is young in service and would benefit from additional support during the interview.
- There is a need to ask follow up questions and doing this in writing is likely to be protracted.