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## POLICY FOR THE RECORDING AND INVESTIGATION OF SHOOTING INCIDENTS

Reference:

- A. LANDSO 3203 (Third Revise) dated May 01
- B. DCOS/1800 dated 21 Jun 03

### INTRODUCTION

1. With MND(SE) now engaged in stabilisation operations and operating under Phase 4 ROE it is necessary to implement a new policy for the recording and investigation of shooting incidents involving UK forces on OP TELIC II. This policy replaces that which was promulgated at Ref B.

### AIM

2. The aim is to record and, where appropriate, to investigate shooting incidents and that there is transparency of this process. Soldiers must be clear and confident that if it is necessary to fire in accordance with the ROE then they must do so. Soldiers must also understand that a RMP investigation is only necessary if the circumstances warrant it. This policy will ensure that the Chain of Command maintains a record of all shooting incidents, that Commanding Officers have sufficient evidence upon which to determine the type and extent of investigation and to provide reassurance to soldiers of the lawfulness of their actions.

### DEFINITION

3. A shooting incident is defined as, "An incident where shots have been fired by UK Forces resulting in the injury or death of a third party". This does not include incidents where warning shots (which do not cause injury) are the only shots fired unless it is suspected that the individual has committed a disciplinary offence.

### GUIDANCE

4. Guidance on the circumstances under which crimes and serious incidents should be reported to the Police is contained in Ref A. This states that it is mandatory for Commanding Officers' to report without delay to the RMP all crimes in which Service personnel are involved or are suspected

to be involved. The fact that an incident has been reported to, or come to the notice of, another agency does not relieve the CO of the responsibility to report such incidents to the RMP.

#### POLICY – SHOOTING INCIDENTS

5. With immediate effect the current policy for the investigation of shooting incidents as defined above, is as follows:

a. All shooting incidents are to be reported to J3 Ops at MND(SE) immediately following the incident. COs' are to ensure that a serious incident report (SINCREP) is completed and submitted. J3 at MND(SE) will maintain oversight of all such incidents.

b. If the CO is satisfied that the soldier has acted lawfully and within the ROE on the basis of all the information available to him there is no requirement to initiate an RMP investigation. If this is the case the CO must record this decision in writing to Higher Authority, having sought the advice of the chain of command and legal advice. Guidance on the content of that report is at Annex A.

c. If, however, the CO is not satisfied or does not have sufficient information available to him then he must initiate an RMP investigation in order to obtain the necessary evidence upon which to make his decision. If the incident has resulted in death or serious injury then the investigation should be conducted by the RMP(SIB). If the injuries are of a minor nature then the RMP will conduct the investigation. Units must not undertake their own investigations of shooting incidents.

6. There is potential for some incidents to be of such gravity, involving deliberate hostile acts against Coalition Forces, that the GOC may determine that these are a continued act of war. In such a situation it will be for the GOC to decide if an investigation is appropriate. In addition there is potential for UK forces to be specifically tasked to conduct offensive operations under the Phase 3 ROE (or the anticipated replacement warfighting ROE) and in this situation the Laws of Armed Conflict will apply.

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for COMBRITFOR

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