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<p>SFHQ(A) consequence Management and Shooting Incident Reporting that details actions on when dealing with a serious incident. This document is annex D to SFHQ(UK) [REF] (MOD FLOH Back; 102/9, SER NO: 290).</p> <p>* Link with RABE #</p>							
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ANNEX D TO  
SFHQ(UK) [REF]  
DATED 10 NOV 10**SFHQ(A) CONSEQUENCE MANAGEMENT AND SHOOTING INCIDENT REPORTING**

## References:

- A. D/PJHQ/1/1610/1/1 – PJHQ Op HERRICK Policy for the Reporting, Recording, Review and Investigation of Shooting Incidents dated 4 Jan 10<sup>1</sup>.
- B. ISAF SOI 307 Edn 2 – ISAF Civilian Casualties Handling Procedures – dated 22 May 10.

**INTRODUCTION**

1. Reference A is the overarching PJHQ policy guidance for all aspects of reporting and recording shooting incidents in the Op HERRICK JOA<sup>2</sup> and should be read in conjunction with this Annex. Op [REDACTED] B direction on consequence management must remain both compliant and coherent with this policy. Legal and policy requirements take absolute precedence; however, judgement is always required to ensure that the 'worst case' procedures do not become the default setting for all shooting incidents. Importantly, long-term consequence management is likely to impact UKSF and its personnel through national channels, as opposed to NATO / ISAF ones, and it is therefore essential that the policy and legal requirements to ensure compliance with PJHQ / MOD direction are fully satisfied independent of the ISAF requirements for immediate consequence management. This should ensure that UKSF and the MOD are best placed to deal with future, retrospective inquiries.

**PURPOSE**

2. The purpose of robust and rigorous consequence management is fourfold: to ensure compliance with UK Law and the LOAC; to mitigate the risks and negative impacts associated with serious incidents; to ensure UKSF discharges its duty of care to its personnel; and to ensure that lessons are identified and measures taken to prevent similar incidents where appropriate.

**RESPONSIBILITIES**

3. There are a number of key stakeholders in the Op [REDACTED] B consequence management process.

- a. **CO SFHQ(A)** CO SFHQ(A) is the primary decision-maker in matters of consequence management under Op [REDACTED] B and in the majority of cases will be the authority that decides what actions are required. As such, his decisions require to be formally submitted to HQ DSF and subsequently recorded, in order to ensure correct operational record-keeping, as well as appropriate legal and policy governance by the Higher Authority (DSF).
- b. **HQ DSF.** HQ DSF is responsible for providing the UKSF overarching policy and legal governance to Op [REDACTED] B consequence management activity. In the first instance, J35 Campaigns will record and track the incidents as they are reported from Theatre. Subsequently, SO1 J35 Campaigns and SO1 J1 Legal, supported by the J9 Policy Branch, will provide support to the [REDACTED] SFHQ(A) process and, as required, an additional layer of scrutiny to ensure that UKSF discharges its legal, duty-of-care and policy responsibilities with regards to serious incidents. Ultimately DSF will retain the decision-making authority on whether either an SIR or Service Police Investigation is required should there be disagreement or a legal / policy dimension that is not apparent in-Theatre. As the Higher Authority, HQ DSF must ensure that all documentation is archived in line with normal operational archiving policy,

<sup>1</sup> Reference A is included as an enclosure to this Annex for ease of reference.

<sup>2</sup> 'Shooting Incident' is the generic term referring to any incident in which a civilian may have been killed or injured by the actions of UK personnel.



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noting that records may be called for by higher formations in the course of routine auditing or by the Service Police in the event that new information leads to the initiation of a Service Police investigation.

c. **MOD / PJHQ.** The [MOD and PJHQ] will provide support and advice where there is a requirement to inform Ministers of any aspect of a serious incident: the former where the incident remains wholly within the realm of UKSF (Op [B] activity; the latter where it has been necessary for TFH to run the consequence management of an incident and therefore submit the post-incident staff-work (i.e. for some [SUM3] and [UKSF4] activity). In the latter case, the [PJHQ] is to ensure that HQ DSF is kept informed of the process and in particular, any decisions made that may affect UKSF equities.

d. **ALS.** [To be completed by SO1 J1 Legal] including role of [ ] Op Law etc.

4. **SFHQ(A)** Consequence Management is run on two parallel, but independent tracks: one answering to DSF and one to ISAF. The staff actions for [SFHQ(A)] are broadly the same down each track. However, of critical importance is that the subsequent decisions for DSF and ISAF are entirely independent of one another; a decision on one track does not imply a similar decision on the other. By way of example, the decision by the ISAF Chain-of-Command (IJC, [ISAF 2] or other) not to pursue an investigation does not automatically mean that [SFHQ(A)] and DSF should not continue their own consequence management procedure. This is to ensure legal and policy compliance with UK national requirements, as well as to ensure that UKSF is fulfilling its duty of care to its personnel (both [UKSF] and [attached personnel]). Such considerations require to be examined regardless of decisions by the ISAF Chain-of-Command.

5. **SFHQ(A)'s** Consequence Management Directive draws all the many sources of Consequent Management guidance together to outline the key staff actions required:

a. **Significant Incident Reporting.** Every operation that involves kinetic activity requires a SINCREP to be produced within 1 hour of returning to base. This will be sent to, and assessed by, both HQ DSF and ISAF. Usually, no further action (NFA) is required, but CO [SFHQ(A)], DSF or ISAF can demand a Shooting Incident Report (SIR) at any stage. In the event of a possible civcas incident, contravention of ROE or significant publicity, an SIR would be initiated as a matter of course. The SIR, in conjunction with the LEGAD, should make recommendations on the requirement for further investigation.

b. **Friendly Casualties.** In the event of friendly casualties, serious injury or a near miss, a Learning Account will be produced by [SFHQ(A)] and staffed to HQ DSF within 12 days. It aims to share lessons across the [UKSF] to prevent similar incidents. It is not routinely sent to ISAF or TFH [ ] but [SFHQ(A)] is investigating how best to share generic (non-SF) lessons across the Field Army.

c. **Civilian Casualties.** In the event (or possibility) of civilian casualties, an additional process is followed: a First Impression Report is completed as soon as possible and a Second Impression Report follows within 24 hrs. A decision should then be made as to whether a SIR is required and if so, this should be submitted within 48 hrs of the incident or notification / allegation that brought it to [SFHQ(A)]'s attention. HQ DSF and ISAF chains can then decide separately if further action is warranted.

d. [ ] There is a proactive ISAF information Operations process, which involves producing press releases in order to be "first with the truth" and emphasises the imperative for timely and accurate First and Second impression reports.



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e. **Operational Record Keeping.** Finally, all Consequent Management reports and formal Records of Decisions that are produced by [SFHQ(A)] and DSF must be archived in line with standard operational record keeping protocols at both Headquarters, in order to meet any requirement for retrospective investigation.

6. **Consequence Management Actions.** The overall Consequence Management Flow-Chart at Appendix 1 highlights the actions to be taken at the outset, from the tactical [SU] level, through [SFHQ(A)] to HQ DSF. The key decisions to be made are whether or not a SIR or a Service Police Investigation is required. Once with HQ DSF, DSF, with advice from J35, J1 Legal and J9 will decide if a MinSub is required. At each stage, dependent on the nature of the incident, actions include the production of the following:

- a. **SINCREP.** Every shooting incident<sup>3</sup> must be formally reported at the earliest opportunity using the SINCREP format at Appendix 2. On reviewing the SINCREP and after consultation with the relevant [Sub-Unit] Commander, CO [SFHQ(A)] will assess whether a Serious Incident Review (SIR) is required (see para 6c. below). Importantly, no SIR will be required where only PID EF have been killed or injured and there are no grounds to suggest that a breach of the law or ROE has occurred. The SINCREP must be sent within 24hrs to J35 CAMPAIGNS at HQ DSF for overall management and legal / policy assessment, and a releasable version sent concurrently to [ISAF 2]. After review, either HQ DSF or ISAF can request the production of an SIR if one has not already been initiated by [SFHQ(A)].
- b. **First and Second Impressions Reports.** Ref B details the extant ISAF civilian casualties handling procedures. The ISAF process is well-established and [SFHQ(A)] procedures are aligned and practiced accordingly. A critical element in the procedure is the timely provision of information to enable ISAF to properly deal with and manage the incidents at a number of different levels. Both the First and Second Impressions reports are critical tools in ensuring [SFHQ(A)]s compliance with ISAF policy and consequence management protocols. In parallel, they also usefully inform HQ DSF (and PJHQ) of potentially serious incidents at an early stage, although in many cases the urgency for this information is less pronounced at these Headquarters, and the eventual SIR (should there be one) is likely to form the more critical decision-making tool. To that end, these First and Second Impressions Reports can never substitute for a properly completed SIR if one is required.
- c. **Shooting Incident Review (SIR).** Where a shooting incident results in the death or injury of civilians or friendly forces, but there are no immediate grounds to make the Service Police aware, a Shooting Incident Review (SIR) must be initiated by [SFHQ(A)]. Under AFA 06, the CO has a clear duty to ensure that Service Police are made aware of any allegation or circumstances which would indicate to a reasonable person that a serious or prescribed circumstance offence has or may have been committed. The simple aim of the SIR is to assist the Chain of Command in forming a final view as to whether the matter should be reported to the Service Police. The requirement to secure fresh, accurate and honest recollections of events and to ensure that evidence which may assist the SIR or any subsequent investigation is preserved is paramount. Only in this way will the SIR achieve sufficient credibility to give assurance to the Chain of Command that a Service Police investigation may not be required. Whenever the facts of a shooting incident reveal that an offence or breach of ROE may have been committed, Service Police are to be made aware at the earliest opportunity. An SIR can be ordered by CO [SFHQ(A)] HQ DSF or ISAF at any time, but should be initiated as a matter of course in the following circumstances:

- Civilians have been killed or injured by UK Forces.
- The law or ROE (including the LOAC) may have been breached.

<sup>3</sup> A 'Shooting Incident' is defined as 'an incident where [actions] by UK forces result in the death or serious injury of any person, or where death or injury is believed to have occurred. This includes all types of munitions, be they land based or air delivered, and direct or indirect.'



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- Any other factor exists that is likely to lead to public attention and for which a full SIR would prove useful to accurately record the facts. This includes incidents where there is uncertainty over the above two points including formal allegations which may not immediately be borne-out by the recorded facts at the time.

The format at Appendix 2 must be used. Unless there are exceptional circumstances, the SIR should be completed within **48 hrs** of the incident, or of the receipt of information indicating an incident has occurred where there was no previous such indication. It should be forwarded to J35 CAMPAIGNS HQ DSF for action and a releasable version sent concurrently to [REDACTED] ISAF 2. Should a Service Police Investigation be initiated at any time during the process (either by Comd [REDACTED] SFHQ(A) or externally), then the SIR process is to be stopped and protocols for Service Police investigation adhered to. The SIR should include CO [REDACTED] SFHQ(A)'s recommendations to HQ DSF on further action and his reasons for the recommendation, selecting one of the following:

- No Service Police investigation is required.
- A Service Police investigation is required but, due to exceptional operational circumstances, it should be delayed.
- A Service Police investigation should be initiated immediately.

However, it should be noted that Reference A explicitly states that 'Only where a properly completed SIR provides sufficient assurance to the Chain of Command as to the lawfulness of action by UK personnel, should a Service Police investigation be discounted'. As post-incident events unfold, CO [REDACTED] SFHQ(A) can decide that following a First or Second Impressions Report, a SIR is not required. If this is the case, then he should formally record his decision and submit it to HQ DSF at the earliest opportunity citing the reasons for his decision. This will be briefed along with legal advice to DSF who will then decide either to accept the recommendation or order the SIR to be completed. A flowchart depicting the decision-making process for initiating SIRs or Service Police Investigations is at Appendix 1 to this Annex.

d. **Service Police Investigation.** At any stage during the consequence management procedure, CO [REDACTED] SFHQ(A) can elect to recommend that a Service Police Investigation be carried out. The mechanism for doing so is via the Investigation Recommendation Report at Appendix 2 to this Annex. If an SIR is completed, it should include a recommendation on whether a Service Police Investigation is required. In accordance with Reference A, if CO [REDACTED] SFHQ(A) decides that a Service Police Investigation is required prior to the completion of a SIR, then SIR procedures are to be suspended with immediate effect.

e. **Learning Account (LA).** An LA is produced (kept within [REDACTED] UKSF only) for any incident resulting in the death, very serious injury (VSI (CAT A)) or serious injury (SI (CAT B)) of Service Personnel or if a near miss has occurred. LAs provide a factual record of an incident, identifying initial recommendations and any immediate action to be taken in order to prevent (or mitigate the risk of) a similar incident. It is the Comd Group's assessment and should not apportion blame nor be used as a source of evidence to support any disciplinary action. It may, however, be used by HQ DSF to make a decision as to whether or not a Service Inquiry<sup>4</sup> is required. DCOS [REDACTED] SFHQ(A) has the responsibility of staffing Learning Accounts<sup>5</sup> around [REDACTED] SFHQ(A) in order to allow SME input before dispatch to J35 CAMPAIGNS HQ DSF via CO [REDACTED] SFHQ(A). The format at Appendix 2 is to be used and completed LAs must be submitted to HQ DSF within 12 days of the incident, unless there are exceptional operational circumstances. HQ DSF will then make a recommendation as to whether a Service Inquiry is required.

f. **Ongoing Serious Incident.** In the event of such an incident (for example, an ongoing operation has already attracted significant media or political interest or draws the

<sup>4</sup> Service Inquiries are conducted in accordance with JSP 832.

<sup>5</sup> In accordance with LANDSO 3207.



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attention of very senior military personnel) CO [SFHQ(A)] will be asked to send an Ongoing Serious Incident Report (as per Appendix 2) in order to allow HQ DSF to either provide guidance or direction to assist with messaging or to help in managing interested parties. Such a report will only be requested in exceptional circumstances, bearing in mind that [SFHQ(A)] will be focused on operational C2.

7. **Formal Recommendation.** When dealing with Serious Incidents, considerable decision-making powers are invested in CO [SFHQ(A)]. In order to ensure that incidents can be tracked and managed effectively both in-theatre and in HQ DSF a formal decision by Comd [SFHQ(A)] is required as to his chosen course of action. This must be returned to HQ DSF for consideration, to inform DSF's own decision as to the requirement for a SIR or Service Investigation, and to ensure correct operational record-keeping. The format for this recommendation is via the Investigation Recommendation Report at Appendix 2 to this Annex. If DSF (as the Higher Authority) concurs with CO [SFHQ(A)]'s proposal, this fact and the reasons behind the decision are to be recorded formally on the SIR and held by the Headquarters as an operational record.

8. **Media Handling.** Information operations are a fundamental part of consequence management. Should be used to efficiently establish the truth early. Timely reporting fills the information void and being "first with the truth" serves to alleviate the impact of false claims.

9. **Liaison.** Close liaison should be maintained with the BSO after an incident to ensure de-confliction with other Media outlets, e.g. RC(S), BEK, ISAF HQ, STRATCOM, MOD and DSF. Details of the press release should be included in the Story-Board within 4-5 hours of the operation. If [redacted] further information [redacted] can be gained, then a further follow-up press release should be sent to the BSO for further exploitation.

10. **Record Keeping in General.** HQ DSF will retain ownership of all SINCREPs, SIRs and LAs. [SFHQ(A)] and subordinate [SU's] are still to archive all information in accordance with operational record keeping procedures.

11. **Monthly Record Keeping Requirements.** An electronic compilation of all SITREPs, orders, significant correspondence, consequence management paperwork and any Commanders' diaries should be sent to HQ DSF for archive. This is particularly important for Consequence Management paperwork that may be required for subsequent retrospective investigation by higher military, civil or legal authorities.

12. Any changes to this Annex should be staffed through J35 CAMPAIGNS HQ DSF [SFHQ (UK)] -J35-CAMPAIGNS-B-S).

#### Appendices:

1. Consequence Management Flowcharts.
2. Consequence Management R2.

#### Enclosures:

1. D/PJHQ/1/1610/1/1 – PJHQ Op HERRICK Policy for the Reporting, Recording, Review and Investigation of Shooting Incidents dated 4 Jan 10<sup>6</sup>.

<sup>6</sup> Reference A is included as an enclosure to this Annex for ease of reference.