

AFP National Guideline on critical incidents (deaths and serious injuries associated with police contact)

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1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Guideline authority

This guideline was issued by Commander Professional Standards using power under s. 37(1) of [Australian Federal Police Act 1979](#) (Cth), as delegated by the Commissioner under section 69C of the Act.

3. Introduction

Critical incident means an incident that involves one or more AFP appointees where:

- death or serious injury of a person occurs associated with police contact
- major damage to property occurs that results in a significant impact on the community, the AFP and/or the Australian Government
- the Police Forward Commander believes that the incident requires the declaration of a critical incident in accordance with the principles of the [AFP Commissioner's Order on professional standards \(CO2\)](#).

For critical incidents related to operational driving within the ACT, refer to the [AFP National Guideline on operational driving \(ACT Policing\)](#).

Death or serious injury associated with police contact means deaths and serious injuries resulting from or associated with:

- the discharge of an official firearm by an AFP appointee
- any other form of force used by an AFP appointee
- custody-related police operations, which include where police are attempting to detain a person (e.g. pursuits or sieges)
- persons in the process of escaping or attempting to escape from custody
- persons being in custody, whether in cells or otherwise, including where:
 - there is suspicion on the part of any AFP appointee
 - there is an allegation made by any person
 - the circumstances indicate that any death occurring subsequent to a period of AFP detention is because of that detention
- any other action or inaction by an AFP appointee in the course of their duties, including motor vehicle collisions.

This guideline outlines the obligations of AFP appointees relating to critical incidents, which are to:

- ensure that appropriate response, reporting and oversight management infrastructures are established and maintained within the AFP
- define the roles and responsibilities of positions within these management infrastructures
- assign responsibility for response and reporting procedures in AFP business areas and provide a means of promoting cooperation, coordination and communication between the AFP and other jurisdictions
- detail the organisational expectations of AFP appointees involved in a critical incident
- ensure AFP critical incident response meets relevant legislative compliance requirements of the *Work Health and Safety Act 2011* (Cth) (WHS Act), including s. 38 (notification) and s. 39 (site preservation) to support the health and safety of AFP appointees.

4. Response infrastructure

Critical incidents generate scrutiny from numerous internal and external stakeholders. Similar interest may also arise in circumstances where police involvement was relevant but not a contributing factor to a critical incident.

Response infrastructure is required in preparing for, responding to, recovering from and mitigating future critical incidents operationally and administratively.

AFP appointees dealing with a critical incident must, where possible:

- support criminal and coronial investigations
- ensure the response and any subsequent investigations (e.g. Professional Standards (PRS), oversight agency or in conjunction with criminal investigations and coronial

inquiries) are carried out with integrity and professionalism and without fear, favour or bias

- ensure personnel affected are provided with sufficient welfare support
- ensure effective and supportive personnel management.

5. First response

Operational AFP appointees responding to a critical incident should:

- comply with AFP incident response training and AFP governance and procedures.
- ensure records (e.g. radio transmissions, notebook, diary or field book entries) are accurately maintained in accordance with the [AFP National Guideline on information management](#) and support and facilitate subsequent investigations and reporting to judicial and oversight bodies.
- where appropriate notify AFP National Media to ensure they are alerted for potential media coverage.

After assessing the situation, AFP appointees must immediately report and manage the critical incident. AFP appointees must report in accordance with section 6 below. In addition, first responders should conduct an appreciation or risk assessment and re-evaluate risks as the situation evolves.

6. Reporting

On becoming aware of a critical incident, the senior-ranking AFP appointee in attendance, or Police Forward Commander if declared, must adhere to the relevant local requirements and, as soon as practicable, notify by radio or telephone the appropriate AFP operations centre.

In Australia, reporting must be via the AFP National Operations State Service Centre (NOSSC) for Outcome 1 (national and international policing) and Outcome 3 (specialist protective services) AFP appointees; or ACT Policing Operations for Outcome 2 (ACT Policing) AFP appointees.

In external territories, International Command missions, posts or on overseas flights, the senior AFP appointee must, at their first opportunity, contact the NOSSC Watchfloor.

The senior-ranking AFP appointee in the receiving AFP operations centre must ensure that the Executive, PRS, Workplace Health and Safety, Comcare and SHIELD notification protocols are enacted as soon as possible. Timely notification is essential for developing open and unified communication between nominated representatives of the investigating jurisdiction and the AFP.

Outcome 1 and Outcome 3 appointees should also be aware of arrangements in relation to reporting critical incidents outlined in AFP agreements with:

- Northern Territory Police
- Queensland Police
- Western Australia Police.

7. AFP appointees involved in critical incidents

Without limiting any individual's legal rights, AFP appointees involved in a critical incident must assist with the resolution and investigation. This includes:

- preserving the incident site, unless it needs to be accessed to protect life or help injured persons
- ensuring the integrity of incident accounts from witnesses, including attending AFP appointees
- ensuring involved AFP appointees are not left alone, thereby helping to:
 - ensure their welfare (e.g. contact support persons or welfare officers)
 - negate any perceptions of collusion in providing their version of events
- remaining at the scene unless:
 - medical treatment is required
 - it is dangerous to do so
 - released from the scene by the critical incident investigations team leader or a senior police officer (sergeant or above)
- making safe and preserving for investigators any:
 - weapons
 - equipment
 - other AFP-issued property
- retaining all evidential material (whether incriminating or exculpatory).

Where the AFP has investigation jurisdiction, the relevant investigation team leader should offer AFP appointees involved in a critical incident the opportunity to:

- contact family, a partner or a friend
- have relevant SHIELD members attend
- have a support person or welfare officer attend
- contact a legal representative.

If outside AFP investigation jurisdiction, the senior-ranking AFP appointee present should raise this with jurisdictional investigators.

The investigation team leader should ensure that each AFP appointee involved in the critical incident is placed in a separate location and not left unattended.

8. Investigation

In circumstances where the AFP has jurisdiction, appropriately experienced specialist investigators (e.g. homicide, collision investigators) should be responsible for the investigation of a critical incident, with PRS providing an oversight role.

AFP appointees responsible for an investigation of a critical incident must identify any potential, perceived or actual conflicts of interest and complete a [Critical incident consideration of conflict of interest form](#) (AFP Hub) prior to commencing the investigation, if possible, or as soon as practicable.

The contents of this form must be discussed with the AFP appointee's supervisor, in consultation with PRS, to ensure conflicts are managed in accordance with the [AFP National Guideline on conflicts of interest](#).

When the investigation is undertaken by another jurisdiction, PRS should liaise with the relevant jurisdiction to assist with, and assure, the standard and independence of the investigation and fair treatment of AFP appointees.

AFP appointees performing duties in International Command missions or posts should adhere to their crisis action plans and/or any other directive issued in their jurisdictions.

9. Professional Standards

The purpose of PRS notification is to:

- ensure timely mandatory drug and alcohol testing in accordance with Part IV of the [AFP Act](#) and the [AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol](#)
- establish the role of PRS in the incident in either investigation or oversight capacity.

Commander/Manager Professional Standards (C/MPRS), or an AFP appointee authorised by C/MPRS, should establish contact with the relevant investigative jurisdiction and determine in consultation with the jurisdictional representative, the role of PRS.

PRS oversight

The purpose of PRS oversight is to:

- ensure the requirements of the [AFP Commissioner's Order on professional standards \(CO2\)](#) and other relevant AFP governance are adhered to
- examine the circumstances to assist organisational learning and incident prevention
- provide an investigation report for C/MPRS and other involved police jurisdictions, government agencies or judicial bodies.

The manner in which oversight occurs and the investigational report is prepared must be determined on a case-by-case basis in consultation with C/MPRS and relevant agencies.

In order to maintain impartiality, independence and transparency, any conflicts of interest or issues identified with the investigation must be reported to C/MPRS and the appropriate nominated representative from the investigating jurisdiction.

10. Mental health support

In some instances, a critical incident will have a stressful impact sufficient to overwhelm the usual effective coping skills of an AFP appointee or team. A critical incident may affect people either immediately or as a delayed reaction and can occur regardless of experience or training.

Mental health support aims to reduce the negative consequences of exposure to a critical incident and aid recovery in order to move towards resilience and post-traumatic growth and wellbeing. The AFP supports all appointees to minimise or eliminate (wherever reasonably practicable) psychosocial hazards which occur as a result of a critical incident to safeguard the health and safety of all appointees.

Mental health support should be offered to individual AFP appointees or teams who have been involved (either directly or indirectly) in critical incidents.

Following a critical incident, the Duty Officer, Duty Operations Manager, Incident Controllers and Team Leaders have a shared responsibility to identify any appointees they believe may be adversely impacted by the incident. They should contact SHIELD on 02 5127 0111 or a s 47E(d) afp.gov.au to arrange follow-up for the appointees.

SHIELD must ensure identified AFP appointees receive appropriate follow-up. The elements of follow-up are determined on a case-by-case basis and depend on the individual's response and the current evidence-based protocols for critical incident mental health support.

11. Work health and safety

AFP appointees involved in a critical incident must comply with the:

- [WHS Act](#), including s. 38 (notification) and s. 39 (site preservation)
- AFP procedures for work health and safety incident reporting and investigation ([refer to section 12 of the AFP National Guideline on work, health, safety and rehabilitation management arrangements](#)).

This compliance includes:

- mandatory notifications to Comcare within the legislated timeframe

- completion of an AFP workplace incident report form through the AFP Service Portal
- preservation of the incident site to enable an independent Comcare investigation to take place (s. 39 of the [WHS Act](#)), a requirement which does not prevent any action:
 - to assist an injured person
 - to remove a deceased person
 - to make the site safe to minimise the risk of a further notifiable incident
 - that is associated with a police investigation.

Early liaison with Comcare, specifically in relation to the incident scene, provides the basis for cooperation and legislative compliance with criminal and administrative investigation requirements. See the [AFP - Work Health and Safety Guide to Incident Notification](#) (AFP Hub) for further details and guidance on the process for notification.

12. Media

AFP Media must consult both C/MPRS and line management on communication strategies for a critical incident.

Before releasing a media statement for a critical incident, AFP appointees should consider the:

- effectiveness and transparency of ongoing investigations
- interests of all parties involved, including across AFP Commands or external agencies
- welfare of the AFP appointee(s) involved.

13. Further advice

Queries about the content of this guideline should be emailed to [s.47E\(d\)@afp.gov.au](mailto:s.47E(d)@afp.gov.au).

14. References

Legislation

FREEDOM OF INFORMATION ACT 1982 (COMMONWEALTH)

- [Australian Federal Police Act 1979](#) (Cth)
- [Work Health and Safety Act 2011](#) (Cth)

INFORMATION PUBLICATION SCHEME (IPS)

AFP governance instruments

- AFP Commissioner's Order on operational safety (CO3)
- AFP Commissioner's Order on professional standards (CO2)
- AFP Command, Control & Co-ordination (C3) Doctrine
- AFP National Guideline on conflicts of interest
- AFP National Guideline on operational planning
- AFP National Guideline on prohibited drugs, pharmaceutical products and alcohol

- AFP National Guideline on risk management
- AFP National Guideline on operational driving (ACT Policing)
- AFP National Guideline on work health, safety and rehabilitation management arrangements
- Memorandum of Understanding between the Australian Federal Police and Northern Territory Police on reporting major AFP operations and critical incidents
- Memorandum of Understanding between the Australian Federal Police and Queensland Police Service on reporting major AFP operations and critical incidents
- Memorandum of Understanding between the Australian Federal Police and Western Australia Police on reporting major AFP operations and critical incidents

Other sources

- AFP - Work Health and Safety Guide to Incident Notification (AFP Hub)
- AFP Risk Management Toolkit (AFP Hub)
- Incident & Emergency Management Planning (AFP Hub)
- Critical Incident Consideration of Conflict of Interest Form (AFP Hub)
- ANZPAA ICCS Plus

15. Shortened forms

ACT	Australian Capital Territory
AFP	Australian Federal Police
ANZPAA	Australia New Zealand Policing Advisory Agency
C/MPRS	Commander/Manager Professional Standards
NOSCC	National Operations State Service Centre
PRS	Professional Standards
WHS	Work Health and Safety

16. Definitions

AFP appointee means a deputy commissioner, AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s. 69A of the [AFP Act](#) to perform duties overseas as an employee of the AFP

- seconded to the AFP to assist the AFP to perform its functions under a s. 69D agreement
- engaged under s. 35 of the Act as a consultant or independent contractor to perform services for the AFP and determined by the Commissioner under s. 35(2) of the AFP Act to be an AFP appointee.

(See s. 4 of the AFP Act.)

Appreciation means a logical process of reasoning, the object of which is to determine the best course of action in any given circumstance from all the known factors available.

Critical incident means an incident that involves one or more AFP appointees where:

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Incident Command Control System (ICCS) Plus is the ANZPAA endorsed incident management framework intended to foster interoperability between jurisdictions and facilitate inter-agency co-operation when responding to different types of incidents, regardless of size, scale or complexity.

Line management means the supervisor of the officer in charge of the incident.

Police Forward Commander means an individual who has operational command of police resources at a critical incident. It is role based and not aligned to a specific rank.

Risk assessment means the overall process of risk identification, analysis and evaluation.

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