

# Guidance for police witnesses in IOPC investigations

February 2026

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# 1. Introduction

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## Purpose of this guidance

- 1.1. The Independent Office for Police Conduct (IOPC) independently investigates serious and sensitive incidents and allegations involving the police. This includes deaths or serious injuries (DSIs) following police contact.
- 1.2. The public rightly expects that police officers and staff who witness an incident that is investigated by the IOPC will provide a full and frank account of what they saw, what actions they took or did not take and an explanation for the decisions they made. It is in everyone's interest that investigations are concluded as quickly as possible, taking account of all relevant evidence. The IOPC and the police have a shared objective in achieving this goal.
- 1.3. The purpose of this non-statutory guidance is to set out what police witnesses can expect from the IOPC and what the IOPC expects from police witnesses in our investigations. By setting clear expectations we aim to support police witnesses to assist our investigations and to ensure the collection of best evidence and the prompt conclusion of cases.

## Who does the guidance apply to?

- 1.4. This guidance applies to police witnesses in IOPC independent and directed investigations into deaths and serious injuries (DSIs), complaints and conduct matters. Police forces may also wish to consider applying the principles set out in this guidance to police witnesses involved in investigations conducted by their own professional standards departments.
- 1.5. This guidance applies to all police witnesses in IOPC investigations, except those acting in the capacity of an expert witness (for example a "use of force" subject matter expert).
- 1.6. A police witness may be a:
  - police officer
  - special constable under the direction and control of a chief officer
  - member of police staff (which includes those with designated powers under section 38(2) of the *Police Reform Act 2002*: police community support officers, detention officers, investigating officers and escort officers)
  - member of contracted out staff
  - person serving with the National Crime Agency

- 1.7. The general expectations outlined in this guidance also extend to individuals who work for other organisations within the IOPC's remit and who have witnessed matters under investigation by the IOPC during the course of their professional duties.
- 1.8. Where a person is identified as a police witness, it means that the investigator believes that they can provide witness evidence that is relevant to the investigation. It also means that the investigator has assessed, on the information available, that the person is not being treated as a subject of the investigation. A person is classified as a subject if there is an indication that they may have committed a criminal offence or behaved in a way that would justify disciplinary proceedings.
- 1.9. This guidance does not apply to subjects and nothing in this guidance interferes with the rights of individuals who are designated as subjects.

## **Duty to cooperate – legal framework**

- 1.10. The IOPC expects all police witnesses to cooperate fully, openly and professionally with IOPC investigations. The general expectations set out in this guidance apply to all police witnesses, as described in paragraph 1.8.
- 1.11. The legal framework that underpins the duty for police witnesses to cooperate with IOPC investigations is different for different groups of police witnesses. The applicable legal framework is set out below.

### **Duty to cooperate for serving police officers**

- 1.12. Police witnesses who are serving police officers are required to cooperate with IOPC investigations under the [duties and responsibilities standard of professional behaviour](#). This standard states:

*Police officers are diligent in the exercise of their duties and responsibilities. Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.*

- 1.13. [Statutory guidance issued by the Home Office](#) further explains how the duty to cooperate forms part of this standard:

*[The duties and responsibilities standard] reinforces the responsibility that a police officer has to cooperate fully where they are a witness in an investigation, inquiry or other formal proceedings. The responsibility is to participate openly and professionally as a witness in a variety of circumstances including where the officer is a witness in an investigation into other officers' misconduct, be that an investigation by the Independent Office for Police Conduct (IOPC) or by the force itself. A clear caveat must be placed on the duty that it applies specifically to where the officer's status is*

*that of witness and does not apply in the same manner where the status of the officer is that of subject to investigation and where the right to remain silent must be upheld.*

- 1.14. The standards of professional behaviour for police officers do not apply to police staff. Police staff are usually subject to similar standards as part of their terms of employment, though these may not include the same duty to cooperate with investigations.
- 1.15. The standards of professional behaviour also do not apply to police who are no longer serving. Nevertheless, the IOPC encourages former police officers and police staff to provide appropriate cooperation during investigations. Cooperation by former officers and police staff will assist the IOPC to complete investigations in a timely and effective manner, which is desirable for all concerned.

### **The power to compel serving police witnesses (officers and staff) to attend an interview**

- 1.16. Under the [Police \(Complaints and Conduct\) Regulations 2013](#), the IOPC has the power to compel serving police witnesses to attend a witness interview. The power to compel police witnesses to attend interviews applies to serving police officers and staff.
- 1.17. These regulations apply to police witnesses serving with the 43 Home Office police forces in England and Wales or serving with an 'additional police body' as set out in [Paragraph 19F\(7\), Schedule 3 of the Police Reform Act 2002](#). This includes the National Crime Agency, bodies that are required to enter into a section 26BA agreement with us, and those police bodies listed in [Regulation 3 of the Police \(Complaints and Conduct\) Regulations 2013](#).
- 1.18. The regulations set out that the investigator shall, where reasonably practicable, agree a date and time for an interview with the police witness. If this cannot be agreed, the investigator shall specify a date and time. If the police witness is unavailable to attend for interview on the date specified, they must propose a reasonable date and time within five working days of the date set by the investigator.

### **Duty for chief officers to ensure openness and candour within their force**

- 1.19. In December 2023, the College of Policing issued a statutory [Code of Practice on Ethical Policing](#) under section 39A of the *Police Act 1996*. It applies to the police forces maintained for the police areas of England and Wales, as defined in [section 1 of the Police Act 1996](#) (or as defined in any subsequent legislation). Under the Code of Practice, chief officers have a duty to ensure openness and candour within their force, which includes:
  - ensuring that the organisation and all colleagues within the organisation approach public scrutiny (including public inquiries and inquests) with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts to assist the search for the truth

- encouraging behaviour that puts public interest ahead of personal and organisational concerns, where conflicts of interest occur
- 1.20. Although this duty applies only to chief officers, it sets an expectation that chief officers will ensure their forces engage with public scrutiny in an open and transparent way.

## Special categories of police witness

- 1.21. This guidance applies to all police witnesses (as set out in paragraph 1.8). However, there are two special categories of police witness, where additional guidance or considerations also apply. These are **key police witnesses** and **significant witnesses**.
- 1.22. In IOPC investigations, the IOPC investigator will confirm, as soon as possible, where these categories apply. This may follow an initial assessment to identify key police witnesses that must be made by the police force at the scene of an incident before the IOPC attends where post-incident procedures are in place. (See College of Policing guidance on [post-incident procedures](#) following a death or serious injury, and [post-deployment](#) where a death or serious injury results from the discharge of a firearm, less lethal weapon, or specialist munition.)

### Key police witnesses in investigations involving a death or serious injury

- 1.23. The category of 'key police witness' only applies in investigations involving a death or serious injury.
- 1.24. A key police witness is one who has had a significant involvement and/or witnessed, or claims to have witnessed, visually or otherwise, all or part of a death or serious injury, or events closely connected with it. This may include people who are indirectly involved. (For example, a call handler or tactical firearms advisor).
- 1.25. Key police witnesses must have regard to the [IOPC statutory guidance on post-incident procedures](#). This means they should comply with the guidance or otherwise provide a sound rationale for departing from the guidance. This statutory guidance sets out requirements for non-conferring with others present at the incident, both before and after providing accounts, and the duty to preserve evidence. It also sets out the expectations for key witnesses to provide a personal initial account.

### Significant witnesses

- 1.26. A police witness may be designated as a 'significant witness' by the investigator in an IOPC investigation. The category of 'significant witness' is used in criminal investigations, as set out in the [Ministry of Justice guidance on achieving best evidence in criminal proceedings](#). In the Ministry of Justice guidance, significant witnesses are defined as those who either:
- have or claim to have witnessed, visually or otherwise, an indictable offence, part of such an offence or events closely connected with it

- have a particular relationship to the victim or have a central position in any investigation into an indictable offence
- 1.27. The IOPC may also decide to designate police witnesses as significant witnesses in other serious cases. This may include death or serious injury investigations where Article 2 is engaged and may apply to witnesses who have seen, for example, the interaction between the deceased and the police at, or immediately before, the time of death.
- 1.28. Designation as a significant witness will impact on how the witness's evidence is recorded to ensure the witness account is captured in detail. The IOPC will usually video or audio record interviews to take accounts from significant witnesses, unless the witness does not agree to the recording. Recording significant witness interviews in this way is important, because it is likely to:
- increase the amount and quality of information gained from the witness
  - increase the amount of information reported by the witness being recorded
  - ensure transparency in the interview process
- 1.29. If the police witness does not agree to the interview being video or audio recorded, the IOPC investigator will document the decision and any reasons given. This is to ensure we are able to explain why the interview process deviates from the best practice approach set out in the Ministry of Justice guidance.

## **2. What police witnesses can expect from the IOPC**

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- 2.1. This section sets out, in general terms, the IOPC's process and procedures to take accounts from police witnesses and what police witnesses can expect from the IOPC when they engage with our service.
- 2.2. Police witnesses are important service users for the IOPC and the evidence they provide is crucial to our investigations. The IOPC will treat police witnesses with courtesy and respect in all interactions with them.

### **Confirming status as a police witness**

- 2.3. The IOPC investigator will confirm as early as possible which individuals will be treated as police witnesses for the purposes of an investigation. They will also confirm if they are classed as a key police witness or significant witness at the earliest opportunity (see paragraphs 1.21-1.29).
- 2.4. The investigator will keep the status of police witnesses and subjects under review, as more evidence becomes available. In most cases, individuals identified as police witnesses at the start of an investigation will remain witnesses throughout. However, it can be the case that further evidence becomes available that indicates a witness should be treated as a subject.

- 2.5. If, during an investigation, the investigator considers that there is an indication that a police witness may have committed a criminal offence or behaved in a way that would justify the bringing of disciplinary proceedings, the witness will be re-designated as a subject of the investigation. We will only take this step where it is appropriate to do so, based on the evidence available, and we will communicate the decision clearly and professionally to the individual involved. The investigator will promptly notify the person of the change in status by way of a formal written notice. The notice will set out the person's rights as a subject and the allegations against them. It will also set out the reasons for the decision (this is subject to the harm test, as defined in regulation 6 of the Police (Conduct) Regulations 2020).
- 2.6. Any witness account provided before the person was made a subject may still be used as evidence in the investigation. However, the investigator must not continue to take a witness account once it is apparent that the witness should be treated as a subject. If this occurs during a police witness interview, the interview will be immediately stopped by the investigator, and the witness will be advised that their witness status is under review. If it is decided that the witness will be treated as a subject, they will be served a formal written notice, and a separate subject interview will be arranged.

## **What to expect when providing a police witness account**

- 2.7. The IOPC investigator will contact police witnesses to let them know that they are identified as a witness and to explain, as far as possible, the scope and purpose of the investigation and how they can assist.
- 2.8. Specifically, we will provide them with details of:
  - why the incident is being investigated
  - the nature of the events the police witness may have witnessed
  - such disclosure as is appropriate to enable the police witness to provide their witness account (this will be decided by the IOPC investigator and will always be subject to the harm test)
- 2.9. Our objective is to gather police witness accounts in a manner that achieves the best evidence and the timely conclusion of investigations. Within this, we will seek to accommodate reasonable requests, including about:
  - the time, date and place of interviews
  - arrangements to provide comfort and support wellbeing
- 2.10. The IOPC provides services in English and Welsh. We will ask police witnesses, where appropriate, whether they prefer to communicate with us in either language and we will communicate with them according to their stated preference. We will provide the same level of service, regardless of whether they select English or Welsh.

- 2.11. The IOPC has a [reasonable adjustments policy for service users](#) which applies to police witnesses. We will ask police witnesses whether they have a disability and might need any adjustments during our contact with them.
- 2.12. We will apply the principles in the Ministry of Justice guidance on [achieving best evidence in criminal proceedings](#) when interviewing vulnerable or intimidated police witnesses, as defined in the Ministry of Justice guidance.
- 2.13. A police witness may request that their identity is protected in the context of an IOPC investigation, where there are reasonable grounds for doing so. We will consider any such request in accordance with the [IOPC's policy on the naming of police officers and police staff](#). Before making a decision, we may seek confirmation of the basis for making the request, for example a witness anonymity order granted by a court. If the IOPC decides it is appropriate, we will redact the name of the witness or use a pseudonym in its place. However, where there are proceedings following an investigation, it will ultimately be for the relevant court or tribunal to decide whether a witness has anonymity in the case.

## **Taking witness accounts by interview or written statement**

- 2.14. The IOPC investigator will decide how police witness accounts should be provided, namely whether a police witness should attend a witness interview or provide a self-written statement. In making this decision, the investigator will consider the nature of the evidence the witness may give, and how to achieve best evidence and expedite the investigation.
- 2.15. In IOPC investigations, it will often be appropriate for the most important police witness accounts to be taken by interview. This allows the witness account to be probed and for details to be explored. Case law supports that interviewing police witnesses who are central to a serious case, is appropriate and proportionate. Particularly in cases where Article 2 or Article 3 of the European Convention of Human Rights (ECHR) may be engaged (see for example [R \(Dunne\) v IOPC \[2023\] EWHC 3300 \(Admin\)](#)).
- 2.16. The types of IOPC investigations where a witness interview may be required for some or all police witnesses include, but are not limited to:
  - investigations where Article 2 or 3 of the ECHR may be engaged (right to life and right to freedom from torture/inhumane treatment)
  - criminal investigations
  - gross misconduct investigations
  - investigations where the IOPC assesses there is a high level of public interest or significant impact on public confidence in the police
  - investigations where potential issues have been identified about the decisions or actions of police witnesses, which do not amount to an indication

of criminality or misconduct, but where the IOPC considers there may be opportunities for individual learning, or practice requiring improvement and an interview may assist this assessment

- 2.17. Generally, we will request a police witness to attend a witness interview where they have directly witnessed the event being investigated or played a part in decision-making in relation to the event. This would include, but is not limited to, police witnesses who are designated as key police witnesses or significant witnesses. Where a witness's role was peripheral to the events under investigation, their evidence is very straightforward, or if they did not witness events directly, we may decide that a self-written witness statement will suffice.

### **Attending a witness interview**

- 2.18. Where the IOPC investigator decides that a police witness should attend an interview to provide their witness account, the investigator will contact the police witness to arrange the meeting.
  - 2.19. Where reasonably practicable, the investigator will arrange with the witness a mutually agreed time, date and location to conduct the witness interview. The investigator will decide whether the meeting will be held in person or virtually (e.g. by video link).
  - 2.20. When making arrangements for the meeting, the IOPC investigator will take account of reasonable requests to accommodate the needs and working arrangements of the police witness. However, it is also important to gather witness accounts as soon as possible after the incident to support the collection of best evidence and the timely conclusion of investigations. We are unlikely to agree to lengthy delays, unless there are exceptional circumstances and we may require evidence to support this. For example, we may request medical evidence if a police witness is unable to attend an interview for an extended period due to illness. Or we may request evidence of shift patterns or pre-approved annual leave, if relevant.
  - 2.21. The IOPC investigator has the power to compel serving police witnesses to attend an interview, under the Police (Complaints and Conduct) Regulations 2013 (see paragraphs 1.16-1.18). Under these regulations, if a date and time for a witness interview cannot be mutually agreed, the investigator shall specify a date and time for the interview. If the police witness is unavailable to attend the interview on this date and time, they must then propose a reasonable date and time within five working days of the date set by the investigator.
- 2.1 Where a police witness attends a witness interview (whether in person or virtually) they may attend alone or may choose to be accompanied. An accompanying person may be a police friend, a lawyer, a trade union representative or any other person who is not involved in the matter. The accompanying person should not answer any questions asked of the police witness during the interview.
  - 2.2 Where a police witness has attended a witness interview as part of an IOPC investigation, the IOPC investigators will prepare a witness statement from the

answers given. They will do this immediately (before the witness leaves the interview) or as soon as possible after the interview. The witness will have the opportunity to review and amend or correct the statement before signing it. The witness statement will be completed in accordance with section 9 of the *Criminal Justice Act 1967* (section 9 witness statement) on a signed MG11 form. This approach will be taken in all cases, whether the case is designated as a criminal investigation or not.

- 2.3 In some cases we may need to ask further questions after the initial interview. If this is necessary, we may require that the police witness attends another interview to clarify or explore any additional points. Alternatively, we may ask any further questions in writing.

### **Providing a self-written witness statement**

- 2.4 The IOPC investigator will decide whether a police witness should provide a self-written witness statement. This might be where we assess that the evidence sought is straightforward or peripheral, and/or the person did not witness events directly or play a part in making decisions in relation to the event.
- 2.5 The self-written witness statement should set out the evidence of the police witness, in accordance with section 9 of the *Criminal Justice Act 1967* (using a signed MG11 form).
- 2.6 Police witnesses will be given a reasonable amount of time in which to submit a written witness statement, when this has been requested by the investigator. We will normally expect to receive a written witness statement within 14 calendar days of the date we make the request. If the police witness cannot provide a witness statement in the timeframe specified (or if this is likely to be delayed), they should contact the investigator as soon as possible to explain why and provide a date for when the statement will be submitted.
- 2.7 The investigator will decide whether to agree to the extension of time. We may also request supporting evidence, such as evidence of shift patterns, sick leave or pre-approved annual leave if this impacts the timeframe for submitting a statement. Requests for lengthy delays are not likely to be agreed unless the police witness is unfit to provide a statement for medical reasons, and we may request medical evidence to support this.
- 2.8 If there is an extended and unreasonable delay in the provision of a written account, the investigator may consider compelling the witness to attend an interview under the Police (Complaints and Conduct) Regulations 2013 (see paragraphs 1.16-1.18).
- 2.9 After reviewing a written witness statement, we may require the witness to attend a witness interview where this is necessary to clarify or explore any additional points. Alternatively, we may ask for any further questions to be answered in writing.

### 3 Expectations of police witnesses in IOPC investigations

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3.1 This section sets out the IOPC's expectations of police witnesses in terms of their cooperation with IOPC investigations. It sets out what we consider cooperation to look like in general terms, to support a shared understanding of what the IOPC needs from witnesses to complete timely and robust investigations, which is in the interests of everyone.

#### Expectations of police witnesses

3.2 Police witnesses should cooperate with requests made by IOPC investigators to provide witness accounts. It is for the IOPC investigator to decide whether a police witness should attend a witness interview to provide their account or provide a self-written statement.

3.3 Police witnesses should participate openly and professionally in IOPC investigations, treating the process with respect. As part of this they should:

- attend witness interviews in person or virtually (e.g. by video link) if requested, unless otherwise agreed by the IOPC investigator
- attend interviews on time (unless a reasonable explanation is given for delay)
- remain for the duration of the interview (unless otherwise agreed by the IOPC investigator)
- provide written witness statements in an appropriate format (e.g. on an MG11 form), within the timeframe set by the IOPC investigator (unless an extension is agreed)
- treat IOPC staff with courtesy

3.4 Police witnesses should provide a full and frank account of the events they have witnessed which are relevant to the investigation. As part of this, they should:

- answer any questions fully with the information known to them at that time
- where they are required to attend a witness interview, to answer all questions orally, during the interview (unless otherwise agreed by the investigator)
- provide all relevant information to the best of their ability, both in response to questions when asked, and volunteered by the witness without being asked
- provide their rationale for any decisions they made which are relevant to the matter being investigated

- explain if they are unable to answer a question immediately, but would be able to do so later (for example after checking other information)
- respond to any supplementary, follow-up questions or requests for clarification from an IOPC investigator following an earlier response or statement (The investigator will decide whether additional answers should be provided through a further interview or in writing and provide a timeframe for this.)

- 3.5 If police witnesses encounter any difficulties in providing a full and frank witness account or otherwise meeting the expectations of police witnesses, these should be identified and communicated to the IOPC investigator as soon as possible. These should be in exceptional circumstances only. For example, if a witness requires more specific information to identify the incident they are being asked about, or there are medical reasons why a witness is not able to provide a statement at the time of request (supported by medical evidence if required).
- 3.6 Police witnesses may choose to seek legal advice from a lawyer and/or advice from their Police Federation or union representative about their witness accounts. However, police witnesses are responsible for the content of their witness accounts, and for ensuring that their witness accounts are open, honest and professional. Where legal advice is sought, doing so should not unreasonably delay the provision of police witness statements or attendance and cooperation at witness interviews.
- 3.7 In addition to the above, key police witnesses in death and serious injury investigations (see paragraphs 1.23-1.25) are expected to comply with the [IOPC statutory guidance on post-incident procedures](#) or otherwise provide a sound rationale for departing from the guidance.

## **Our approach if police witnesses do not cooperate with our investigations**

- 3.8 The IOPC expects all police witnesses to cooperate fully with our investigations.
- 3.9 Police witnesses, who are serving officers and subject to the [police standards of professional behaviour](#), have a responsibility to cooperate where they are a witness in an investigation, under the duties and responsibilities standard. Non-cooperation by a serving officer who is a police witness may be a breach of this standard and could amount to misconduct or gross misconduct. Police staff may be subject to similar provisions under their terms of employment.

### **Examples of non-cooperation**

- 3.10 Examples of non-cooperation include, but are not limited to:
- Failing to submit a witness statement within the specified timescale, without good reason.
  - Failing to attend a witness interview, without good reason.

- Refusing to answer reasonable questions in a witness interview (e.g. remaining silent or answering ‘no comment’). If a police witness states that they will answer ‘no comment’, then the interview may be immediately terminated because of non-cooperation and further steps taken as set out below. This applies whether or not the police witness later provides a written witness statement.
- Failing to answer reasonable questions in a timely manner and in full and sufficient detail (to include, where relevant, details of their honestly held belief and the reasons for that belief).

### **Steps we will take if there is non-cooperation**

- 3.11 If the IOPC investigator considers that the police witness is not cooperating, they will, where practical, take steps to explain to the police witness:
- the grounds on which they believe that the witness has not cooperated with the investigation and provide any evidence in support of this
  - what the witness needs to do to demonstrate that they are cooperating
  - what the consequences may be if cooperation is not forthcoming (this may include investigating the police witness for breach of the duties and responsibilities standard of professional behaviour for failure to cooperate, if applicable)
- 3.12 Where an issue with non-cooperation is raised by an IOPC investigator, the police witness should take steps to address the concern as soon as possible, so the investigation can progress. (For example, by promptly arranging an interview, agreeing to answer questions or submitting an overdue witness statement.)
- 3.13 If non-cooperation continues, and the police witness is still serving with the police, we may decide to escalate the matter to the appropriate authority (the chief officer, or equivalent) as a potential conduct matter.
- 3.14 If the police witness is a serving police officer, we may require that the appropriate authority record and refer a conduct matter for the officer for breach of the duties and responsibilities standard of professional behaviour for failure to cooperate. Alternatively, we may use our power of initiative to treat the matter as having been referred to the IOPC. We may then decide to investigate the alleged breach with the officer treated as a subject and served an appropriate notice.
- 3.15 If the police witness is a serving member of police staff, we may take equivalent steps. This will only apply where the staff member’s terms of employment include an equivalent requirement to cooperate with IOPC investigations.
- 3.16 It is important that we are transparent about delays and difficulties in gathering evidence in our investigations. As such, we may reference any issues of police witness non-cooperation, or delays in cooperation, in the final investigation report or other corporate reports.

- 3.17 In taking these steps, our objective remains to secure accounts from police witnesses in a way that achieves the best evidence and supports the prompt conclusion of our investigation. This is in the interests of all, and we will work with police witnesses and their representatives to achieve this and deliver timely investigations in the public interest.

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**Independent Office for Police Conduct (IOPC)**  
**10 South Colonnade Canary Wharf London E14 4PU**  
Tel: 0300 020 0096  
Email: [enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)  
Website: [www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)  
Text relay: 18001 020 8104 1220

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