

FOI Disclosures April 2021

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This month we have responded to questions relating to the following topics:

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If you require a full copy of any of the embedded attachments, please contact Requestinfo@policeconduct.gov.uk quoting the reference number from the relevant response.

<u>Ref</u> <u>1008966</u> Back to top	<u>Management and staffing of Operation Nori</u>
<u>Request</u>	<i>You ask a number of questions about the management and staffing of Operation Nori.</i>
<u>Response</u>	<i>Staffing</i> <i>1. The total number of staff employed by the IOPC</i> 1,010 <i>2. The total number of staff employed at the Birmingham office of the IOPC. Can the staffing totals be analysed by job title.</i> Please see Annex A <i>Management structure</i>

- 3. If there is an existing organisational diagram showing the structure and relationship between departments, sections and so forth it will be helpful to have a copy.*

Please see the diagram at [Annex B](#). We do not hold a more detailed organisational diagram.

- 4. Can you describe the lines of accountability and management between the lead investigator and the other management levels?*
- 5. Can you confirm that throughout operation Nori, Mr Campbell had the overall responsibility for managing the investigation during the time when you were the IPCC and subsequently as the IOPC?*

Mr Campbell made decisions on the investigation as Commissioner and, following the change to the IOPC in January 2018, as Regional Director.

While the Commission was responsible for all functions given to the IPCC under statute or regulations these functions could be delegated in accordance with paragraph 10(5) of Schedule 2 to the Police Reform Act 2002 (PRA) in force at the relevant time. These arrangements were set out in the IPCC Scheme of Delegation, which is [available on The National Archive web site](#). In addition, Schedule 3 of the PRA provides for the designation of operational staff to carry out investigations (see paragraph 19) and previously for certain functions to be carried out by that investigator (see for example paragraph 19B of Schedule 3 of the PRA in force at the relevant time).

The investigation Operation Team Leader (OTL) changed during the course of the investigation for a number of different operational reasons but all OTLs were based at the Birmingham Office. The Operations Manager (OM) changed as a result of the investigation being transferred to our Directorate of Major Investigations (DMI). Chris Mahaffey was an OM in DMI.

There were a number of different mechanisms in place for the OTLs and OM to liaise, including regular update meetings. The OTLs responsibility predominantly related to the day to day business of the investigation. The OM was there for oversight and other strategic considerations.

There were significant changes to the organisation, relevant legislation and delegation arrangements over the course of Operation Nori that complicate the position. If you require any further information about how the investigation was run you should specify the particular activities or decisions that you would like to know more about.

- 6. Did the lead investigator have the authority to designate a person the subject of an investigation, or was that the responsibility of the commissioner?*

There were various ways in which a subject could be identified. The appropriate authority could record a conduct matter and refer it to the then IPCC, if the relevant criteria were met. Members of IPCC staff could bring matters to the attention of the appropriate authority and ask them to consider recording and referring a conduct matter. The Commissioner, on

behalf of the Commission, could also direct that a recordable conduct matter be recorded and referred to it. Please see paragraph 11 of Schedule 3 of the version of the PRA in force at the relevant time. This was before the amendments that led to the Commission being replaced by the IOPC in 2018.

The designated investigator in a complaint investigation could certify that investigation as subject to special requirements if it appeared to them that there was an indication that a person to whose conduct the investigation related may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings. Please see paragraph 19B of Schedule 3 of the PRA in force at the relevant time.

Where a conduct matter was revealed during the investigation of a DSI matter paragraph 21A of Schedule 3 of the PRA provided for the designated investigator to make a submission to the case supervisor on behalf of the Commission. If the case supervisor agreed with the designated investigator then the appropriate authority would be notified and a copy of the submission sent to them.

7. *I was told that the final report was subject to a “quality assurance” process. Do you have documents or policies that define the “quality assurance process”? If so could I have copies. Where does the “quality assurance” process fit within the management structure? Is there a separate department or structure that undertakes the “quality assurance”?*

Please see [Annex C](#) for our guidance on the investigation report quality assurance process. This was the guidance that applied when the Operation Nori report was produced and signed off.

Operation Nori statistics

8. *Can you provide details of the number of actions that were raised during operation Nori, the number of documents collated and the number of witness statements obtained?*

Our response:

Actions – 1122

Documents – 2686

Witness statements - 294

9. *Do you have any service standards that relate to subjects under investigation?*

We would refer you to the explanatory note on the Regulation 16 notice, a copy of which is attached at [Annex D](#).

Ref
1009032

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Retention of CCTV footage by police

Request

How long are Police required to keep CCTV of a Custody Suite, in the event of a 999 call to ambulance by Police, after a collapse and resuscitation using a

	<i>defibrillator, by Police, in the Custody Suite and a subsequent complaint by an advocate for the teenager?</i>
<u>Response</u>	<p>The IOPC does not hold this information.</p> <p>Retention of CCTV images is addressed <u>in the College of Policing Authorised Professional Practice</u>. This states:</p> <p style="text-align: center;"><i>Retaining images</i> <i>To comply with <u>section 5.2.5 of the information commissioner's code of practice for surveillance cameras and personal information</u>, forces must not retain CCTV images longer than is necessary for their intended purpose. It is up to data controllers to decide how long they should retain images, depending on the purpose for collecting them.</i></p> <p>Therefore the retention period is likely to differ from force to force and we would suggest it is unlikely that standard retention periods would be defined in reference to any particular type of incident.</p> <p>It should be noted, however, that police forces are under a clear statutory duty to obtain and preserve evidence relating to complaints, conduct matters and Death or Serious Injury matters recorded under the Police Reform Act 2002. Such evidence would be very likely to include CCTV evidence where that is available. Please see our web site for further information about the investigation of police complaints and misconduct.</p> <p>We note that a search of the internet produces information published by a number of police forces relating to CCTV within custody suites, for example: <u>Metropolitan Police</u>, <u>Thames Valley Police</u> and <u>Northamptonshire Police</u>.</p>
<u>Ref</u> <u>1009042</u> Back to top	<u>Outsourced ICT suppliers and services</u>
<u>Request</u>	<p><i>Under the Freedom of Information Act I respectfully request that you provide me with a list of ICT suppliers providing outsourced or managed ICT Services to your organisation at the current time.</i></p> <p><i>Please present the information back by email (to this address) detailing for each supplier (where more than one is engaged):</i></p> <ul style="list-style-type: none"> - Name of supplier - Service(s) provided by supplier - Contract Start Date - Contract End Date - Contract Value - Current spend with supplier for provided service(s) (optional) <p><i>In the interests of focusing on suppliers of a material nature it would be acceptable to respond with just those suppliers where annual spend (on any particular service) is in excess of £50,000 per annum.</i></p>
<u>Response</u>	<p>Contracts awarded over the value of £10,000 are published on '<u>Contract Finder</u>'. Details of contracts awarded by the IOPC can be found via the following links: https://www.contractsfinder.service.gov.uk/Search/Results?page=1#fd04e1c0-f075-475e-b98d-22e0fba578b5 and</p>

	https://www.contractsfinder.service.gov.uk/Search/Results . Clicking on the individual search results provides the specific details that you requested.
<u>Ref</u> <u>1009039</u> Back to top	<u>IOPC staff complaints 2016</u>
<u>Request</u>	<p>Please supply the following details for the years 2016 to 2020.</p> <ul style="list-style-type: none"> • Number of Complaints received by the IOPC about members of the IOPC (including employees/contractors) • The nature of those complaints (broad headings etc) • Details broken down as to whether the complainant was a member of the police service (serving or retired, police officer and police staff) <p>Or</p> <ul style="list-style-type: none"> • A member of the public including those acting for a member of the public such as lawyers / organisations. • The outcome for each of the above years 2016 to 2020 – method of disposal for each complaint under the relevant category.
<u>Response</u>	<p>Please see attached an Excel file containing the data you requested.</p> <p>New categories for 'complainant status' were introduced on 2 October 2017. Before this date there were fewer, more generalised categories of complainant: 'public', 'fed rep', 'solicitor' 'MP' and 'police'. Under the existing categories 'public' is applied only to service users who do not fall into any of the other categories. Examples of 'public' include persons who have made an enquiry, sent their police complaint directly to the IOPC or persons who have complained about something we have published.</p> <p>Where a 'decision' complaint type has been recorded as 'upheld' this does not mean that an IOPC case decision has been overturned but only that the complainant has identified a specific aspect of a decision that was incorrect. An example would be an erroneous date or name in a decision letter. As you may know the only way that our case decisions can be challenged is by way of judicial review. The majority of complaints about decisions are recorded as 'not upheld' because they are challenges to casework, investigation or referral decisions. While complaints of this type are not considered under our Complaints and Feedback policy (or the previous policy) they are recorded as complaints under our system and are therefore included in the data we are providing.</p>
<u>Ref</u> <u>1009089</u> Back to top	<u>Unconscious bias</u>
<u>Request</u>	<i>What recorded information do you hold that is used to identify or assess unconscious bias in your investigations. Including any training documentation</i>
<u>Response</u>	<p>In regard to information "used to identify or assess unconscious bias" we would refer you to the following from our response of 12 January 2021.</p> <p><i>There are lines of enquiry which can be used to establish whether unconscious bias may be a factor in a particular case some of which are</i></p>

	<p><i>set out in the Discrimination Guidelines that are available on our website. The guidelines outline how we approach investigating allegations of discrimination including how we would investigate issues or allegations of discriminatory bias and stereotyping informing policing actions – whether that is conscious or unconscious.</i></p> <p><i>The IOPC does not use unconscious bias tests or implicit association tests as part of its investigations.</i></p> <p>Therefore this information is accessible to you on our web site in the form of our Discrimination Guidelines.</p> <p>Our training material for Investigators on unconscious bias is provided by e-learning. We attach the relevant information in the form of two documents, ‘Introduction to the Equality Act and Investigating Discrimination’ and ‘Analysing unconscious bias in Race Discrimination Investigations’.</p> <p>Information has been redacted from pages 8 and 9 of the latter document. This consists of information relating to how we investigate these matters and an investigation which is proceedings related.</p> <p>We have decided that there is no right of access to the information about the investigation mentioned on page 9 because it engages the exemption from the right to know relating to investigations conducted by public authorities (section 30(1)(a)(i)) and because the public interest in maintaining this exemption outweighs the public interest in disclosure. This takes into account the likelihood that disclosure could be prejudicial to live judicial proceedings, as against the public interest in disclosing these particular details in the context of this training material, the majority of which we are disclosing in recognition of the public interest in this subject.</p> <p>The information redacted from page 8 consists of advice to our investigators concerning techniques to be deployed during an investigation. This information engages the exemption from the right to know contained in sections 31(1)(g) and 31(2)(b) of the FOIA regarding law enforcement. This applies to information held by any public authority for the purposes of establishing whether a person is responsible for any conduct which is improper.</p> <p>We have also redacted the name of a member of our staff from the ‘Introduction to the Equality Act’ document. This information has been redacted under section 40(2) which exempts information that would contravene the data protection principles if disclosed.</p>
<p><u>Ref</u> <u>1009100</u> Back to top</p>	<p><u>IOPC staff disciplinaries</u></p>
<p><u>Request</u></p>	<p><i>Please disclose the total number of staff disciplined from March 1, 2020, to December 31, 2020</i></p> <p><i>Please provide a breakdown showing the reasons for the disciplinary action and action taken</i></p>
<p><u>Response</u></p>	<p>Two members of staff were formally disciplined within this timeframe.</p>

	Both staff members were formally disciplined for conduct matters. One was given a written warning, one was dismissed.
<p style="text-align: center;">Ref 1009091 Back to top</p>	<u>Exceptional circumstances in the complaints process</u>
<p><u>Request</u></p>	<p><i>The first 3 questions are aligned to your policy, whereby, ‘unless exceptional circumstances apply, the IOPC is required to forward all complaints to the appropriate authority.’</i></p> <p><i>Legislation, both old, and new, as far as I can see, does not define an ‘exceptional circumstance.’</i></p> <ol style="list-style-type: none"> 1) <i>Does the IOPC have a list, for types of complaints that are ‘exceptional?’</i> 2) <i>How does the IOPC define an ‘exceptional circumstance?’ other than terms, such as; ‘serious?’</i> 3) <i>If the answer to Q.1 is ‘No,’ and the answer to Q.2, is, ‘we don’t have an actual definition,’ – upon what basis/criteria, have you worked out that the complaints that you did investigate, were ‘exceptional?’</i> <p style="text-align: center;"><u>The following questions regard the ‘time period’ 1st January 2020 to the 1st January 2021 - England & Wales</u></p> <ul style="list-style-type: none"> • <i>In total, from whatever source, how many complaints did you receive?</i> • <i>How many complaints remained with you - that you investigated?</i> • <i>From that total, how many did you ‘uphold?’</i> • <i>How many involved police officers or staff?</i> • <i>How many of the your ‘upheld’ complaints resulted in criminal prosecutions?</i> • <i>How many complaints from the total you received, were forwarded to the OPCC?</i> • <i>How many members of the OPCC were sanctioned, or prosecuted?</i> • <i>How many were forwarded to the PCP?</i> • <i>How many were sent to the PSD?</i>
<p><u>Response</u></p>	<p>You refer to these words in IOPC policy: ‘unless exceptional circumstances apply, the IOPC is required to forward all complaints to the appropriate authority.’</p> <p>We have been unable to locate these precise words from searches of our information but it appears to us that they could only relate to the procedure to be followed in regard to complaints made directly to the IOPC by members of the public. For example paragraph 2.7 on page 16 of our Statutory Guidance to police forces (February 2020) states:</p> <p style="padding-left: 40px;">“Forces and local policing bodies should ensure that the information they provide gives prominence to how to complain directly to the relevant police force or local policing body, rather than to the IOPC. It should make clear that complaints made to the IOPC will automatically be passed to the force or local policing body for logging, unless there are exceptional circumstances that justify not passing it on.”</p> <p>As you may be aware the legal source for the exception to passing on complaints to the Appropriate Authority is paragraph 2 Schedule 3 Police Reform Act 2002 which provides:</p>

“2 (1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.

(1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.

.....”

We would emphasise that the exception in paragraph 1A relates only to the obligation to notify a direct complaint to the Appropriate Authority for recording. It does not relate to any other decision or procedure under the Police Reform Act 2002, including investigations.

You ask “upon what basis/criteria, have you worked out that the complaints that you did investigate, were ‘exceptional?’”.

Sub-paragraph 1A of paragraph 2 does not relate to any decision by the IOPC to carry out its own investigation into a complaint, conduct matter or Death or Serious Injury matter. These decisions are made in accordance with the criteria in [paragraph 15, Schedule 3 Police Reform Act 2002](#) following the ‘reference’ of a complaint or other matter by the Appropriate Authority (see for example paragraph 4, Schedule 3 relating to the reference of a complaint to the IOPC, also known as a ‘referral’).

You request the information we hold that defines exceptional circumstances. Our guidance to staff concerning the handling of direct complaints includes the following:

“Exceptional circumstances

In certain exceptional circumstances, the IOPC does not have to forward a complaint to the appropriate authority. There are two broad categories for exceptional circumstances:

- Where notification of the complaint is likely to lead to a real risk that the complainant or any other person may suffer serious physical harm or loss of life
- Where the notification is likely to lead to a real risk of prejudice to the interests of national security

There will not be many cases, if any, where the risks of exceptional circumstances outweigh the benefits of forwarding the complaint.

Case study

A member of the public wishes to make a complaint that the head of the domestic violence unit in her police force has failed to investigate allegations she has made about her husband because they are old friends. She is also aware that the head of PSD is friends with her husband personally and her husband has warned her that any complaint would be covered up and that he would be informed that she had made one.

In this circumstance there is a real risk that forwarding the complaint to the AA could result in the complainant sustaining physical harm. The Advisor should seek advice from their line manager.

In practice, therefore, IOPC staff will assess the complaint document against the criteria listed above. It may be that contact will need to be made with the complainant or others to gather further information.

If the person dealing with the complaint believes that they have such a case they should discuss the complaint with their line manager, who will escalate the matter further if required.”

This is the information we hold in relation to the application of paragraph 2, Schedule 3. The IOPC has not applied this exception in practice.

Our understanding of the remainder of your request is that you are asking for data as to the number of complaints made directly to the IOPC by members of the public that are then retained by the IOPC for investigation. You also request the outcomes of these complaints.

In accordance with paragraph 2, Schedule 3, the IOPC’s involvement in complaints received directly from members of the public is limited to notifying them to the Appropriate Authority for a recording decision. The IOPC rarely has any further involvement in these complaints and records only minimal information about them. We do not retain these complaints for investigation as we have no power to do so and must deal with them as the Police Reform Act provides, which means notifying them to the Appropriate Authority other than in the highly exceptional circumstances defined in our guidance as above.

As we have explained, the matters we investigate originate from a referral from the Appropriate Authority. Many IOPC investigations do not involve a complaint but arise from the referral of a ‘conduct matter’ or ‘Death or Serious Injury’ matter. Most referrals do not result in an IOPC investigation but are instead passed back to the force, often with a direction that they carry out their own investigation. We would suggest that very few of our investigations if any are based on a direct complaint that we have passed on to the Appropriate Authority. As we do not track direct complaints, we do not hold data as to how they are subsequently dealt with by police forces. It seems likely that a small minority will result in a referral to the IOPC, but we do not report on these occurrences.

Finding IOPC investigations connected to a direct complaint would be time consuming and may well engage the cost limit under section 12 of the FOIA, meaning that we would not be obliged to provide it in accordance with the right to know. An exhaustive search would be likely to find very few cases, if any. In any event such data would not assist with your enquiry since paragraph 2 Schedule 3 has no bearing on our decisions as to whether a complaint or other matter requires investigation and, if it does, whether this should be carried out by the IOPC or the police.

The IOPC collects police complaints data from police forces and publishes an annual report ‘Police Complaints: Statistics for England and Wales’.

Our annual statistical reports and quarterly police force performance data are accessible on [this page of our web site](#) which includes links to our current and previous data. The information we publish includes the total number of complaints recorded by each police force and a breakdown of how these complaints have

been handled, including data as to the nature of allegations recorded by police and how they are concluded. Our most recent report relates to the year 2019/20.

We also publish information about our own performance in our Annual report. Our most recent report relates to the year 2019/20 and is available [here on our web site](#). This includes data relating to our work on referrals, investigations and appeals. Our report for the year 202/21 will be published later this year.

Further information about our functions is available on our web site.

Ref
1009112
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Communications related to Sarah Everard

Request *Please provide copies of all communications and correspondence with the MPS between 6pm on March 13 and the time of this email, which relate in any way to the Sarah Everard vigil.*

This includes but is not limited to any referrals from the MPS.

Response The information we hold under your request is shown below. This consists of all of the information we hold within the scope of your request with the exception of the names and email addresses of the senders/recipients of these emails.

From: [Superintendent, MPS Directorate of Professional Standards]
Sent: 14 March 2021 18:29
To: [Head of IOPC Assessment Unit]
Subject: RE: Referrals

.....

Re: the vigil. We have had over 100 complaints but none seem to be from anyone who was present or eligible to be a complainant. We have also had approx. 50 messages of thanks and support. We have reviewed some of the social media footage and so far not identified any conduct by any officers, maybe some minor learning points. The review process is not yet complete. I note that the Mayor has stated that he has asked the IOPC and HMICFRS to investigate but at the moment we have no conduct/complaints or DSIs to refer to you.

.....

From: [Head of IOPC Assessment Unit]
Sent: 14 March 2021 16:57
To: [Superintendent, MFS Directorate of Professional Standards]
Subject: Referrals

.....

Do you have any update regarding any impending referrals re or the events in Clapham on Saturday night?

.....

Ref
1009151
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Technologies used for IOPC functions

Request *You asked questions regarding the technologies used for various functions*

Response 1) *Please advise what technologies (including version) you use for:*

	Name of technology	Version used
HR	Zellis / ResourceLink	Online SaaS

Payroll	Civica Online Solutions	Online SaaS
L&D	Bridge	Online SaaS
Finance	Unit 4 Business World	Online SaaS
Procurement	None	
Contact Centre	Unity client for Broadsoft	22.9

2) Please advise if any of the following services are outsourced to third parties, and if so, when does the contract end?

	Outsourced?
HR	No
Payroll	No
L&D	No
Finance	No
Procurement	No
Contact Centre	No

Ref
1009152
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Referrals received from Greater Manchester Police

Request

1. In the period between 1st January and 31st December 2020, other than referral of death or serious injury (DSI) matters, or conduct matters relating to the chief officer, could you please inform me of the number of complaints that were referred by the Greater Manchester Police (GMP) to the IOPC, in line with paragraph 9.4, statutory guidance on the police complaints 2020. (Mandatory referral criteria.)

2. Could you also inform me, out of those complaints how many were referred back to the GMP, advising that no investigation should be conducted?

Response

We received 342 referrals from GMP in 2020, of which 80 were complaint referrals. 71 of these were referred under mandatory referral criteria and nine were voluntary.

Of the 71 mandatory complaint referrals, 56 were returned to the force to investigate locally, four were returned to the force to handle the matter in a reasonable and proportionate manner (as per our Statutory Guidance) and one was an invalid referral.

Please note that our case management system captures the case type at case level. Therefore, if the case type changes during the life of the case, for example from a Death or Serious Injury to a conduct, the case type will have changed from that initially referred.

This results in all referrals on the same case (the initial referral and any re-referrals) being categorised as the latest case type.

<p>Ref 1009136 Back to top</p>	<p><u>Monitoring of mandatory referrals by police forces</u></p>
<p><u>Request</u></p>	<p><i>Referring to an IPCC review entitled 'Referring complaints, conduct matters and death or serious injury matters to the IPCC - a review of current police force practice'.</i></p> <ol style="list-style-type: none"> 1. <i>Please supply any more recent assessments made of the level of failure in police forces to comply with the obligations for mandatory referral of police complaints.</i> 2. <i>How do you currently monitor and assess the current level of failure to comply with the obligations for mandatory referral of police complaints?</i> 3. <i>What plans do you have to monitor and assess these failures in the future?</i> 4. <i>Please supply any information you hold on failures and the level of failures in individual police forces.</i> 5. <i>Please supply any plans you have made to improve police compliance with mandatory referral requirements.</i> 6. <i>Please supply any plans you hold that have been supplied by you by police forces to improve their compliance with mandatory referral requirements.</i> 7. <i>What procedure do you follow if at any point comes to light that a police force should have referred a complaint to you under mandatory referral?</i>
<p><u>Response</u></p>	<ol style="list-style-type: none"> 1. No relevant information is held. 2. We monitor and track the number of referrals we receive for any trends in forces. If we are notified of a matter from stakeholders, or through our operational work, and there are questions around referral of a specific incident, we can contact the force to discuss to issue and see whether it meets the referral criteria. If we identify concerns, these are addressed through meetings and oversight activities with forces and local policing bodies, for example we ran a series of workshops relating to referrals two years ago – more on this below. 3. We continue to regularly monitor the feedback that is provided to the Oversight Team and act accordingly. 4. We do not hold data on failures. We have an Oversight log where matters or concerns can be referred to the team to assess and evaluate through activities and discussion with forces. Each concern identified is considered on an individual basis and appropriate action taken. We do monitor the number of referrals so can see if there are significant changes. 5. We produce Focus magazines that provide practical guidance to police force professional standards departments (PSDs) and local policing bodies (LPBs) on dealing with complaints, conduct matters, and death or serious injury cases. After publishing the report entitled "<i>Referring</i>

	<p><i>complaints, conduct matters and death or serious injury matters to the IPCC – a review of current police force practice”, we produced a specific issue (Issue 9 - Referrals) to clarify the mandatory and voluntary referral criteria in the areas we found forces need most guidance.</i></p> <p>Furthermore this issue of Focus is currently being updated to reflect the legislation change that took place in Feb 2020. We have also hosted a series of workshops for forces across England and Wales to improve their understanding of matters that need to be referred and this resulted in us receiving a significant increase of referrals (this is also referred to on page 19 of the published 2018/2019 <u>Impact report</u>)</p> <p>6. No relevant information is held.</p> <p>7. As explained above matters are regularly brought to our attention from a number of different internal and external stakeholders which we assess individually and discuss with the force as necessary. This can include use of our call-in powers and powers of initiative where we feel something should be referred but the Appropriate Authority do not.</p> <p>Additionally , where we are the relevant review body, we must assess when considering the outcome of the complaint whether it ought to have hit the mandatory referral criteria and this may lead to us upholding a review, although it may not result in us directing an investigation.</p> <p>Any occasions that are identified in the course of our operational work where we consider the force may not have applied the mandatory referral criteria correctly are highlighted to the Oversight Team so that matters can be evaluated, raised with the force and learning can be fed back.</p>
<p><u>Ref</u> <u>1009143</u> Back to top</p>	<p><u>DSI in or following police custody involving mental health</u></p>
<p><u>Request</u></p>	<p><i>Data on the number of serious injuries in police custody or following police contact over the last decade broken down by ethnicity and where mental health is a factor</i></p> <p><i>The number of police officers involved in such cases who have been recommended for misconduct or gross misconduct from 2010/11 to 2020/21</i></p> <p><i>The number of police officers involved in cases of serious injuries in police custody or following police contact whose disciplinary referrals have been upheld from 2010/11 to 2020/21</i></p>
<p><u>Response</u></p>	<p>Cases involving serious injury</p> <p>You may not be aware that the majority of police complaint and misconduct cases are dealt with by the police without any IOPC involvement. The IOPC investigates only the most serious cases. While we collect statistics from police forces about the complaints they have recorded and how they were</p>

handled, the level of detail you require would have to be requested directly from individual police forces. Therefore, this information is not held by the IOPC.

It appears to us that some of the information you require under the first part of your request is published by the Home Office, whose [police use of force statistics](#) include data as to ethnicity and health condition (mental, physical, both) as perceived by the reporting officer, the incident location (police settings: custody block, vehicle, police station), type of force and level of injury (categorised as 'minor' or 'severe'). You may be able to access more detailed information that they do not publish by requesting information directly from them. The email address for making a FOI request to the Home Office is foirequests@homeoffice.gov.uk

The IOPC's '[Deaths during or following police contact annual report](#)' has been published since 2005. From 2016/17 the IPCC started to include information about demographics for use of force within the 'other deaths following police contact' category. Since the 2017/18 report, we have stated in both the 'deaths in custody' and the 'other deaths following police contact' chapters of the report the number of use of force deaths by ethnicity.

For each case included in this annual report, it is noted whether mental health, alcohol, or drugs was identified as relevant to the individual who died. These factors would be selected if these are referenced in the case circumstances in specified ways. A full explanation of the data we use in the report is available in [the guidance document](#).

We may be able to produce some data under the first part of your request based on searches of IOPC investigation cases. This would be based on our cases in which the 'serious injury' and 'mental health' case factors have been selected. The data we could provide would not include ethnicity as this is not available in many of our cases.

Manual checks would be required in each case so as to confirm that the 'mental health' and 'serious injury' factors have been applied correctly, so we would have to carry out some initial searches in order to decide on the number of cases that we would be prepared to search. It is clear that the work involved in locating and retrieving the relevant data would exceed the FOIA cost limit if we attempted to search cases commenced over a period of more than a few years (perhaps two or three).

Outcomes

Data as to the disciplinary and other outcomes would have to be requested from individual police forces for the reasons given above. This data is not held by the IOPC.

Work aimed at producing outcomes data for IOPC investigations is on-going. The data we are aiming to produce does not link outcomes to allegation or incident type.

Ref
1009213

[Back to top](#)

Police officers charged with a criminal offence

<p><u>Request</u></p>	<p><i>Can you please provide the number of officers charged with a criminal offence allegedly committed while they were a serving member of a police force over the last ten years, from January 1 2011, to April 1 2021.</i></p> <p><i>The data should be broken down by month and should include the offence said to have been committed, the officer's rank, the force for which they worked, and whether the officer was convicted.</i></p> <p><i>If possible, could the name of the convicted officer be included, as well as the date and court at which they were sentenced.</i></p>
<p><u>Response</u></p>	<p>Data relating to criminal investigations of police officers is published by the Home Office as part of its police workforce data series: https://www.gov.uk/government/statistics/police-workforce-england-and-wales-30-september-2020</p> <p>This includes information about the outcomes of proceedings but does not include information as to offences, force, rank or name of officer.</p> <p>As stated in the Home Office workforce data, the majority of criminal investigations of police officers and staff follow an internal conduct investigation meaning that the IOPC would be unlikely to be involved.</p> <p>The IOPC does not hold information about criminal proceedings against police officers other than in respect of its own investigations. Work on producing outcomes data for IOPC investigations is on-going but the data we are aiming to produce will not include the level of detail you require. We are not currently in a position to produce data as to investigation outcomes, other than in respect of specific investigations.</p> <p>We would suggest that there would be no FOIA right of access to information held by the IOPC from which a person charged with a criminal offence would be identifiable, since such 'criminal offence data' can be disclosed under FOIA only in very limited circumstances. A person may be 'identifiable' for data protection purposes without being named. Officers charged with criminal offences following IOPC investigations are named by the IOPC under the circumstances set out in our Policy on the naming of police officers and staff; however, persons suspected, charged or convicted of offences cannot be named indefinitely by the IOPC without breaching the data protection principles. Therefore, we only publish these details for a limited period.</p>
<p><u>Ref</u> <u>1009156</u> Back to top</p>	<p><u>Allegations of sexual misconduct against police</u></p>
<p><u>Request</u></p>	<p>1. <i>How many police officers have had allegations of sexual misconduct and/or sexual assault made against them by the general public and within their own forces in each of the following financial years:</i></p> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21

	<ol style="list-style-type: none"> 2. <i>Of these allegations how many of these cases have led to misconduct hearings or misconduct disciplinarys in each of the following financial years?</i> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21 3. <i>How many of these officers were dismissed in the misconduct hearings/disciplinarys with regards to the allegations in the following financial years?</i> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21 4. <i>How many of these officers were reprimanded but were not dismissed in the financial years?</i> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21 5. <i>Were any of these cases progressed to the criminal court and if so how many in the financial years:</i> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21 6. <i>How many misconduct/disciplinary hearings involving officers accused of sexual misconduct and/or sexual assault were subject to reporting restrictions in the financial years:</i> <ol style="list-style-type: none"> a. 2016-17 b. 2017-18 c. 2018-19 d. 2019-20 e. 2020-21 7. <i>What is your policy on reporting restrictions for misconduct/disciplinary hearings for your officers who are accused of sexual misconduct and/or sexual assault?</i> 8. <i>What is your policy for victims discussing misconduct hearings when a officer has been dismissed from their role. Are victims prohibited from speaking about misconduct trials to other parties?</i>
<p><u>Response</u></p>	<p><u>Part 1</u></p> <p>All complaints are recorded by police in the first instance. Most are then handled by the police in accordance with the legislation without any involvement of the IOPC. The IOPC collects police complaints data from police forces and publishes an annual report 'Police Complaints: Statistics for England and Wales'. This relates to public complaints only so does not include data about police internal grievances. Our annual statistical reports and quarterly police force performance</p>

data are accessible on [this page of our web site](#) which includes links to our current and previous data.

The information we publish includes the total number of complaints recorded by each police force and a breakdown of how these complaints have been handled, including data as to the nature of allegations recorded by police and how they are concluded. The allegation types that correspond to your request are 'Other sexual conduct' and 'Sexual assault'.

Our most recent report relates to the year 2019/20.

Parts 2, 3 4 and 5

Our own investigations account for only a small minority of 'Other sexual conduct' and 'Sexual assault' allegations investigated each year and do not in general relate to internal grievances by police officers and staff. While we could provide outcomes data for our completed investigations into these allegation types where subsequent proceedings (criminal or disciplinary) are also complete, this data would have to be retrieved by means of manual searches. The FOIA cost limit would be engaged unless our search was limited to investigations completed in a relatively short period. As there is no way of identifying all of our investigations that may be relevant to your request without carrying out exhaustive manual searches, any data we produced would be incomplete.

The complaints data we receive from police forces does not include information about police misconduct meetings, hearings or unsatisfactory performance. We do receive data from which we can identify how a particular allegation is finalised i.e. whether it is investigated and if so, whether the investigation was by the force or the IOPC and (in the case of an investigation that was not subject to 'special requirements') whether or not a specific allegation was upheld. Our statistical reports do not include data showing how allegations are finalised separated by allegation type but this could be provided on request from the underlying data, in relation to 'Other sexual conduct' and 'Sexual assault' if that was what you required. Please note, however, that an allegation may be recorded as upheld without resulting in any misconduct proceedings. Any data we did provide would not include the year to 31 March 2021 as our statistical report has yet to be published.

We would refer you to 'Annex A: glossary of Terms' on page 28 of our most recent annual statistical report for an explanation of the terms used when reporting on police complaints data.

Parts 6, 7 and 8

The IOPC does not hold this information. Police misconduct panels are appointed by appropriate authorities (i.e. the police force in relation to which the subject officer is a member) and local policing bodies (in most cases Police and Crime Commissioners). The hearing is then conducted by the panel. The IOPC is not involved in either choosing the panel or conducting the hearing. Guidance on police officer misconduct procedures is at chapter 2 of the [Home Office guidance on police misconduct \(publishing.service.gov.uk\)](#), although this does not appear to us to cover the issue of reporting restrictions or witness confidentiality.

Work aimed at producing outcomes data for IOPC investigations is on-going. The data we are aiming to produce does not link outcomes to allegation or incident type.

**Ref
1009157**

Referrals regarding abuse of power for sexual purpose

Request

In relation to a previous FOI response regarding the number of referrals in the years 2016 to 2020 in which the 'abuse of power for sexual purpose' IOPC case factor had been selected, you asked:

- a) for each of the years, can you please tell me how many of these referrals were judged to require investigation?*
- b) for each of the years, can you please tell me how many were investigated independently by the IOPC, how many were directed investigations - and how many were local?*
- c) for each of the years, can you please send me a breakdown of the outcomes of these investigations (i.e. what was the IOPC's decision in its report back to the force)? For example, how many decisions were misconduct, gross misconduct or no further action etc?*

Response

When we receive a referral from an appropriate authority, we make an assessment to determine whether the matter should be investigated by us or referred back to the police force to investigate. Our 'mode of investigation' decisions on these referrals were as follows:

Year Received	All APSP Factor	IOPC Independent	IOPC Directed / Managed	Supervised	Local Investigation	Return to Force	Invalid
2016	74	10	3	3	58	0	0
2017	174	35	0	8	116	12	3
2018	147	30	1	18	93	2	3
2019	117	61	3	4	45	3	1
2020	131	70	3	5	52	0	1

We would emphasise that factors are used only as a starting point to identify potentially relevant cases and are not comprehensive indicators of case categorisation. Case factors are applied manually and subjectively, so can only provide an indication rather than definitive data. It would require extensive manual searches of associated documentation to establish whether the cases met the precise terms of your request. Such activities would exceed the cost limit as prescribed by the FOIA and associated regulations with the result that we would not be obliged to carry out the work.

Outcomes

We are unable to provide data as to outcomes of independent IOPC investigations at this time. Work aimed at producing outcomes data for publication is on-going.

