



Information for families – how we investigate
and support you following a death

A brief guide

Who is this information for?

This information is for the family and friends of someone who has died during or following contact with the police.

What we do

We are independent of the police and the government. We investigate the most serious matters involving the police, but we are separate from the police.

All deaths and serious injuries during or following police contact must, by law, be referred to the IOPC. When we receive a referral from a police force, we decide if an investigation needs to take place.

Who works at the IOPC?

Our staff come from a range of backgrounds, including a minority who may have previously worked for the police.

What does an IOPC investigation involve?



Taking statements from witnesses.



Interviewing police officers or members of police staff¹.



Viewing CCTV footage.



Gathering medical and forensic evidence.



Gathering other documents and records.

¹ When we refer to police officers and staff, this could include contractors, depending on who was involved, and volunteers (both community support and policing support volunteers) with police-like powers.

We sometimes talk to experts, like people with forensics, discrimination or medical expertise.

Who will carry out the investigation?

Our own investigators will carry out the investigation.

What will the IOPC investigate?

Our role is to find out what happened to your friend or relative and why, and what the role of the police was.

We will make sure that you have the opportunity to comment on what the investigation may cover and ask questions you want the investigation to consider.

By law, we must investigate when the state (or people who work for the state, such as the police) may have caused or contributed to a death, or failed to protect someone.

It is our job to find out what happened and why. This is known as Article 2 of the European Convention on Human Rights. Sometimes, this is just called 'Article 2' or the 'right to life'.

How we investigate

- We may go to the scene and give instructions to local police on gathering evidence. We look into what has happened and whether there are signs that a crime might have been committed.
- We talk to the family, the Crown Prosecution Service (CPS), the coroner, media and the local community.
- We listen to questions from the family and discuss what the investigation will cover.
- We analyse evidence.
- The person leading the investigation decides if the case should be sent to the CPS. For more information about the CPS go to page 5.
- The police force responds to our recommendations.

- Our report is shared with the family.
- Our report is given to the coroner.
- Our report may be published on our website.

What to expect from other processes and organisations

- The coroner is told about the death.
- The coroner tells a pathologist to carry out a post-mortem to find out the medical cause of death.
- The coroner opens the inquest to find out what happened.
- Pre-inquest hearings² may take place while we investigate.

What to expect from us during our investigation

We will contact you to explain our role and set out the terms of reference. These tell you what the investigation will cover. As we find out more, the terms of reference sometimes change.



We will update you about our progress at least every 28 days.

We may be in touch more often if there are significant developments. We will ask you how you would like to be kept informed.

What information will we give you?

We will tell you about all the evidence that has been found during the investigation, unless the law says we cannot give you some information.

Will family members or friends give statements?

If you witnessed what happened, a member of our team will take a statement. Or you might give a statement that includes information about your family member or friend. This could help our investigation and the coroner.

2. A pre-inquest hearing happens if the coroner wants to clarify some of the information before the main inquest.

How long does an investigation take?

It is important that we have looked into everything and tried to answer your questions. We cannot tell you in advance how long this will take. Investigations can take many months to complete.

What happens when the investigation is over?

We write a report that sets out what we have found and our conclusions. The report will also cover whether anyone has identified any learning or misconduct³. If we think a police officer or member of police staff may have committed a criminal offence, we will give our report to the CPS. The CPS lawyer will decide if there is enough evidence to convict and if it is in the public interest to prosecute.

If an inquest is to be held, a copy of our report and of the evidence is sent to the coroner

who will decide if it should be made public.

We will also give you your own copy of our report. We may not be able to do this until after any criminal prosecution or disciplinary proceedings.

You can read more about other possible outcomes on page 6.

Do you need to contact a solicitor?

Some solicitors have specialist experience of dealing with cases of deaths during or following contact with the police, or of preparing for inquests. They can:

- represent you at the inquest
- help to gather and complete paperwork
- be the main point of contact between you and the IOPC

The organisation INQUEST (contact details on page 9) provides a free, confidential

3. All police officers and police staff must follow the official standards of professional behaviour. Misconduct is defined as a breach of these standards. Gross misconduct is defined as a breach of the professional standards that is so serious that it could justify their dismissal.

and independent service to people who are bereaved as a result of a death following contact with the police.

Media interest

If we plan to issue a news release relating to your friend or relative, we will aim to send this to you in advance and we will listen to any concerns or comments you have. If there are reasons why we need to include information, we will discuss these with you. The name of someone who has died will usually become public when the coroner opens the inquest. If the media ignores your request for privacy, you can complain to the Independent Press Standards Organisation (www.ipso.co.uk).

» Possible outcomes of an investigation

Learning lessons

Our investigations can often discover lessons that police forces must learn to avoid the same thing happening again. The police force might need to change the way it does things, or revise its policies.

Disciplinary action taken by the police force

If we say there is a case to answer⁴ for misconduct or gross misconduct, it is the police force, not the IOPC that takes disciplinary action or carries out performance proceedings.

In a small number of cases, we will be able to present our case at a misconduct hearing⁵ where there is a disagreement between us and the police about a case to answer for gross misconduct.

4. A 'case to answer' means there is enough evidence that the allegation could be proved at a disciplinary meeting or hearing.

5. A misconduct hearing is held in cases where someone's conduct would, if proven, amount to gross misconduct. This is a formal event that determines whether the person has committed gross misconduct and what, if any, sanction they should face.

Possible disciplinary actions that someone can face include:

- A written warning added to the officer's personal file. If the police officer is found to have committed any misconduct in the two years following this warning (extended to five years in some circumstances), it is likely to lead to a final written warning.
- A final written warning added to the officer's personal file.
- Reduction in rank.
- Dismissal without notice.

An IOPC investigation may not necessarily find that an officer or member of police staff has committed a criminal or misconduct offence. If this is the case, there will be no disciplinary action. In these cases, the force may decide that those involved should face other actions, such as:

- If an officer's performance needs to improve, together with their manager they can

undertake a fact-finding process and then reflect on and discuss what they need to do to improve their performance. The focus will be on putting an issue right and preventing it happening again by encouraging those involved to reflect on their actions and learn.

- They may identify gaps in guidance – for example, the guidance that call handlers follow – and update it.
- Supervising officers may offer informal advice to their staff, identify any training needs and arrange for these to be met.

Criminal prosecutions

Our investigation report will say whether we think someone may have committed a criminal offence. The CPS will consider our report and appoint a specially selected prosecution lawyer to consider all the evidence and decide if there is enough evidence to provide a realistic prospect of conviction. They will also consider whether it is in the public interest to prosecute.



About the other organisations involved

- The **coroner** holds an inquest to find out how, when and where the death happened.
- The **pathologist** carries out a post-mortem examination to try to find the medical cause of death.
- The **CPS** decides if there is enough evidence to prosecute.
- Other organisations, such as NHS trusts, may carry out reviews depending on the circumstances of what has happened.

» IOPC contacts

Lead investigator

The lead investigator will be the main person responsible for the investigation. In some situations, they will also be your main point of contact. They will help you understand what we are doing and how we carry out our investigation.

Family liaison manager (FLM)

You may have an IOPC family liaison manager (FLM). They will help you understand what we are doing and how we carry out our investigation. If you have an FLM, they will be your main point of contact and act as a link between you and the rest of our investigation team.

Our service: complaints and feedback

If you have any concerns about how your case has been investigated or about the outcome decision for your case, your FLM or lead investigator can talk you through the decision and help to clarify any concerns you have.

If you are not satisfied with their response, you can make a formal complaint to our Internal Investigations Unit. They will decide on the most appropriate person to deal with your complaint.

»» Contact details for helpful organisations

INQUEST

A charity that works directly with bereaved families following deaths in custody in England and Wales. It provides legal advice and can refer you to experienced solicitors.

 020 7263 1111
 www.inquest.org.uk

Citizens Advice Bureau

Assistance with legal problems.

 034 4411 1444
For your nearest office
 visit: www.citizensadvice.org.uk

Civil Legal Advice

Free legal advice if you are eligible for legal aid. Also includes link to legal aid eligibility assessment tool.

 034 5345 4345
 www.gov.uk/civil-legal-advice

The Law Society

Information about local solicitors.

 020 7320 5650
 www.solicitors.lawsociety.org.uk

Cruse Bereavement Care

Help and support for people dealing with bereavement.

 080 8808 1677
 helpline@cruse.org.uk
 www.cruse.org.uk

The Samaritans

Confidential emotional support.

 116 123 (available 24 hours)
 jo@samaritans.org
 www.samaritans.org.uk

Road Peace

Support for people bereaved or seriously injured through a road crash.

 084 5450 0355
 info@roadpeace.org
 www.roadpeace.org

Brake

A road safety charity that offers support to people bereaved or seriously injured by road crashes and their carers.

-  080 8800 0401
-  helpline@brake.org.uk
-  www.brake.org.uk

Survivors of Bereavement by Suicide

Support for people bereaved through suicide.

-  030 0111 5065
-  admin@uksobs.org
-  www.uksobs.org.uk

If you are unclear about anything in this booklet, or would like to ask us any questions about our role or our investigative process, please do not hesitate to contact us.

If you need a copy of this booklet in any other language or format, please contact us using the details below.



Rydym yn croesawu galwadau ffôn yn y Gymraeg

Phone: 030 0020 0096

Email: enquiries@policeconduct.gov.uk

Website: www.policeconduct.gov.uk

Twitter: [@policeconduct](https://twitter.com/policeconduct) [@IOPC_Help](https://twitter.com/IOPC_Help)

Text Relay: 18001 0207 166 3000



This document is also available in Welsh.
Mae'r ddogfen hon ar gael yn y Gymraeg hefyd.

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