



Outcomes following IOPC independent investigations

2021/22

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The data in this report covers 1 April 2021 to 31 March 2022. The data may be subject to change as it is taken from a live system. Unless otherwise stated, the figures refer to the outcomes for individual police officers or staff, and not the number of investigations.

Introduction

About the IOPC

The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales. We are independent, and make our decisions independently of the police, government and interest groups.

We investigate the most serious complaints and incidents, including deaths following police contact, and set the standards by which the police should handle complaints. We use learning from our work to influence changes in policing.

Specialist police forces such as the Ministry of Defence Police, Civil Nuclear Constabulary and the British Transport Police also come under our jurisdiction. We also oversee the complaints system for other organisations, such as Her Majesty's Revenue and Customs, the National Crime Agency and the Gangmasters and Labour Abuse Authority. We investigate certain serious complaints and conduct matters about staff from these organisations. We also investigate criminal allegations against police and crime commissioners, their deputies, and contractors working for the police.

Our investigations have a strong focus on why things happened, and what might prevent them happening again. This means looking at training, management support and organisational culture. You can read about the recommendations we make, summaries of our investigations, and our publications on our website – www.policeconduct.gov.uk

About the police complaints and discipline systems

The police discipline system is the responsibility of police forces and is administered by them. Police force professional standards departments (PSDs) deal with the majority of police complaints and allegations of misconduct. Information recorded by force PSDs about the outcomes of misconduct and criminal investigations is published by the Home Office. This includes information relating to IOPC investigations. PSDs must refer the most serious cases to us, regardless of whether someone has made a complaint.

About this report

This report describes the decisions following IOPC independent investigations, and any misconduct or criminal proceedings held, between 1 April 2021 and 31 March 2022. The *Police Reform Act 2002*, as amended by the *Police and Crime Act 2017*, introduced several reforms to the police complaints and discipline systems. These reforms included changes to the threshold for misconduct and outcomes at disciplinary proceedings for cases where complaints were made, or conduct matters came to the force's attention, after 1 February 2020. Some of the investigations included in this report started before this date and will therefore fall under the previous legislation. The parts of our processes affected by these changes have been highlighted in the report and both versions of these processes are explained.

The data in this report is presented in two sections: decisions made after our investigations, and the outcomes of misconduct or criminal proceedings.

When we refer to outcomes this means:

- The decision we make about whether someone has a case to answer for misconduct or gross misconduct, as a result of our independent investigation. We will make the final decision, although we will consider the views of the appropriate authority about what should happen. The appropriate authority will carry out any disciplinary action.

The appropriate authority is one of the following:

- the chief officer of the police force (or equivalent)
- the Police and Crime Commissioner (PCC) for the police force the complaint is made against
- the Mayor's Office for Policing and Crime (if the complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if the complaint is about the Commissioner of the City of London Police)
- the decision to make a referral to the Crown Prosecution Service (CPS) where there is an indication someone may have committed a crime
- the results of misconduct or criminal proceedings that took place in 2021/22

The outcomes of proceedings covered in this report may relate to investigations completed during this period. However, they may have been completed before 2021/22 with the resulting misconduct proceedings taking place during 2021/22. This means investigation outcomes and proceedings figures should not be compared. This is because there can be a significant time lag between the end of our investigation, any misconduct proceedings conducted by appropriate authorities, or criminal cases prosecuted by the CPS.

Summary of outcomes

1 April 2021 to 31 March 2022

Decisions following completed investigations



Misconduct and criminal outcomes



* This figure differs from the 421 completed investigations quoted in other reporting, such as the annual report. This is because the data in the outcomes report is from a live system that is regularly altered and reviewed.

About our investigations

Police officers and police staff are expected to maintain the highest standards of professional behaviour when carrying out their duties. These standards are set out in the Police (Conduct) Regulations 2012 and Police (Conduct) Regulations 2020 and apply to all police officers and special constables, with equivalents in local policy for police staff.

Allegations the standards of professional behaviour have been breached could come from a complaint made by a member of the public, or from a concern raised internally within the police force. Forces are also legally required to refer certain matters to us, such as a death or serious injury (DSI) following contact with the police.

When we receive a referral, we make an assessment to decide whether the matter should be investigated by us or referred back to the police force to investigate. Our investigations assess all the available evidence and provide an independent opinion on whether there is a case to answer for misconduct or gross misconduct, or whether someone's performance was unsatisfactory.

We produce a final report at the end of an investigation. This analyses and summarises the evidence collected. The accompanying decision maker's opinion document sets out our opinion on conduct, performance or learning.

We send our report to the appropriate authority involved and seek their views about whether someone has a case to answer.

If the force does not agree with the opinion set out in our report, the next steps we take depend on the relevant legislation:

- under the current legislation, the force can disagree with our assessment but we will make a final decision about whether that person has a case to answer. The appropriate authority must comply with this.

- under the previous legislation we can:
 - listen to why the force disagrees that a misconduct proceeding should be brought
 - if we do not agree with the force, recommend the force holds a misconduct proceeding
 - should they disagree with the recommendation, direct the force to hold a misconduct proceeding if necessary

The final decision about whether misconduct is proven and what, if any, sanction should apply is made during misconduct proceedings conducted by the force. A misconduct hearing panel has an independent, legally qualified, chair.

We provide our report and evidence to the coroner where an inquest is held. These are considered during the inquest.

We will refer the case to the CPS if, at the end of our investigation, it is possible a crime may have been committed. The CPS will decide if the evidence satisfies the threshold for legal proceedings. If the CPS decide to charge, the courts will decide whether the person has committed a crime.

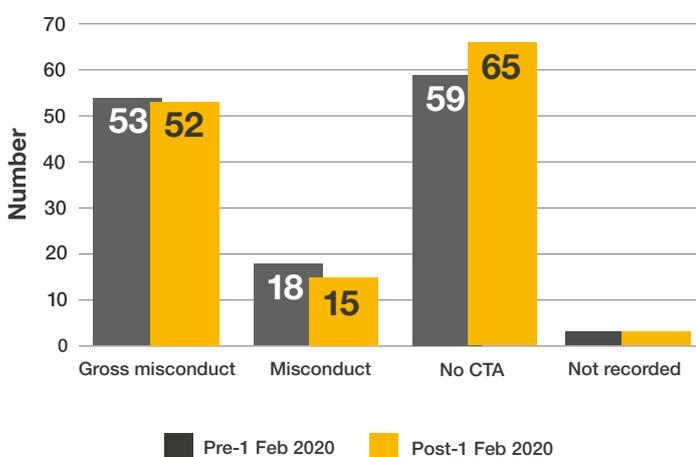
An important part of our work involves looking at what caused the situation we investigated, and how this might be prevented in future. We can make recommendations, which range from training, to changes in policy, practice, supervision and safety improvements. Our [Impact report](#) shows how our work makes a difference by influencing improvements in policing practice and reducing future risks. You can read summaries of our investigations and details of the recommendations we make on our website: [Investigation summaries and learning recommendations | Independent Office for Police Conduct](#).

Decisions following completed investigations

Decisions about conduct

During 2021/22, we investigated 262 police officers and staff. We found 53% (138) had a case to answer for misconduct or gross misconduct.

Figure 1: Case to answer decisions in 2021/22 by relevant legislation*



Of the 138 officers/staff who had a case to answer, 33 involved misconduct and 105 involved gross misconduct.

Our investigations found 124 of the police officers and staff we investigated did not have a case to answer for misconduct or gross misconduct. Further action was taken in response to 43% (53) of these people. This action included management action to improve the conduct of the officer, unsatisfactory performance procedures or a referral to the reflective practice review process.

Referrals to the CPS

We will inform those involved if our investigations find someone may have committed a crime. We explain their legal rights and take steps to obtain their account under criminal caution.

Our investigators obtained accounts from 111 police officers and staff who were under criminal caution during investigations completed in 2021/22. This happened as part of 84 investigations.

We only pass our report to the CPS if, at the end of our investigation, we think a police officer or member of police staff may have committed a crime. The CPS then will decide whether the person should be prosecuted.

We referred 82 people to the CPS following our investigations. The CPS decided to prosecute 34% (28).

We apply a two-part test, set out in paragraph 23, Schedule 3 of the Police Reform Act 2002, when deciding whether to refer a case to the CPS. You can read more about this in our Statutory Guidance. The threshold we work to is different to the higher threshold the CPS works to when it decides whether it is appropriate to prosecute someone.

* In all the charts in this report, 'CTA' is an abbreviation for 'Case to Answer.'

Misconduct and criminal outcomes

The proceedings referred to in this section took place in 2021/22. Our investigation may have been completed in the same period or before this. We do not decide when proceedings are held; this is decided by the appropriate authority or the CPS. In some cases, proceedings end months or years after our investigation has finished. This means that investigation outcomes presented in the previous section of this report and the outcomes in this section should not be compared.

For police officers and special constables, misconduct meetings are conducted by a more senior officer appointed by the appropriate authority. Hearings are conducted by a panel chaired by a legally qualified chair appointed by the local policing body.

Figures 2 and 3 describe the various ways in which misconduct outcomes could be reached.

Misconduct proceedings

There are two types of misconduct proceedings:

- For gross misconduct, a misconduct hearing is arranged by the police force (or other authority). The highest level of sanction is dismissal without notice.
- For misconduct, a misconduct meeting is arranged by the police force (or other authority). The highest level of sanction is a final written warning.

Under the previous legislation, in some situations where the appropriate authority decides there is a case to answer for misconduct, management action may be considered instead of misconduct proceedings. Under specific circumstances, a misconduct hearing may be deemed more appropriate than a misconduct meeting. You can read more about these circumstances in our [Statutory Guidance](#).

There are different discipline systems for police officers and police staff. Police officers and special constables are subject to the regulations set out in the *Police (Conduct) Regulations 2012* or *Police (Conduct) Regulations 2020*. Complaints and conduct matters involving staff are covered by individual police force policies.

Figure 2: How misconduct outcomes are reached for conduct matters under the current legislation

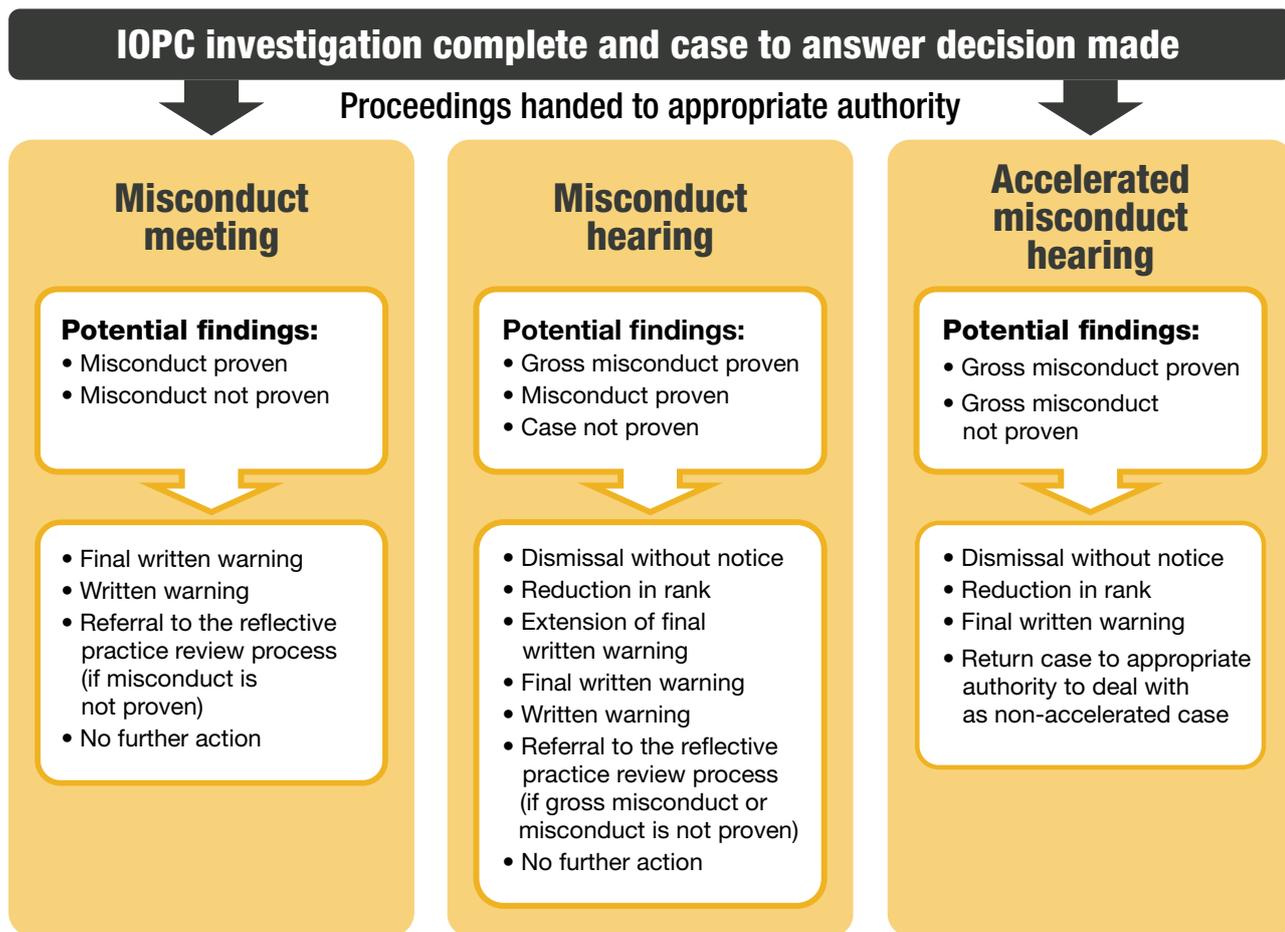
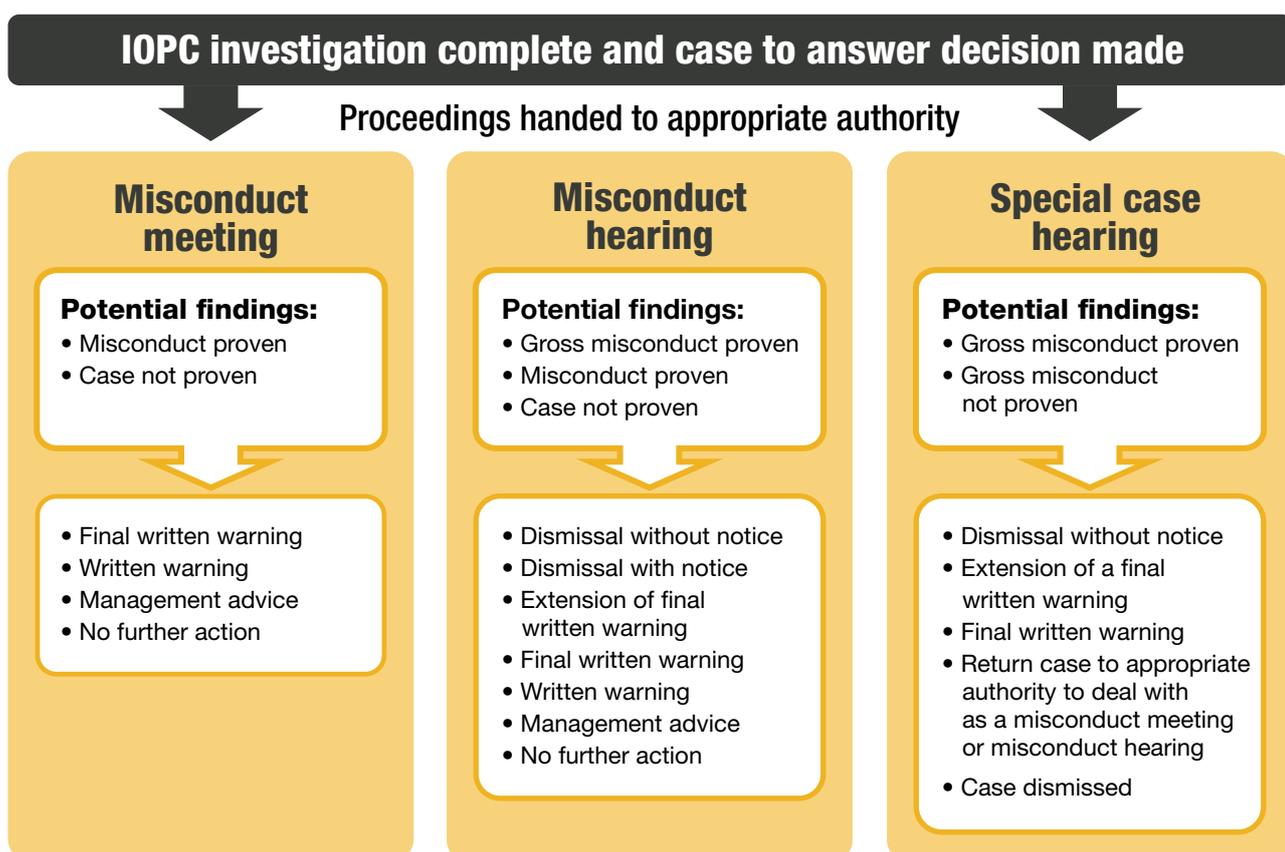


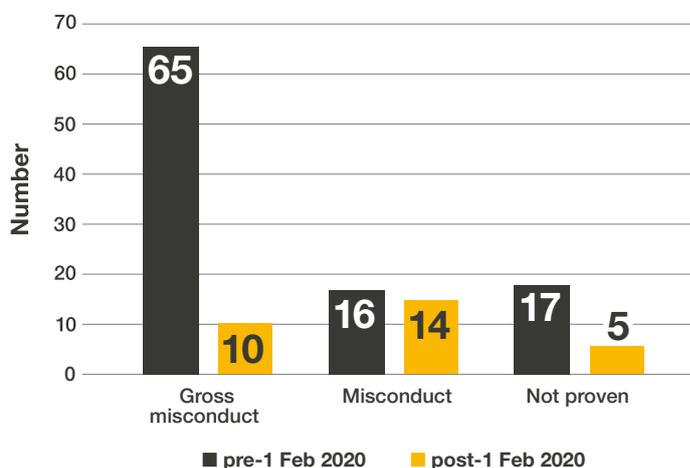
Figure 3: How misconduct outcomes are reached for conduct matters under the previous legislation



In 2021/22, misconduct proceedings were held for 127 police officers/staff. It was found 82% (105) of these officers/staff were proven to have breached the standards of professional behaviour:

- gross misconduct was proven for 75 officers/staff
- misconduct was proven for 30 officers/staff
- misconduct was not proven for 22 officers/staff

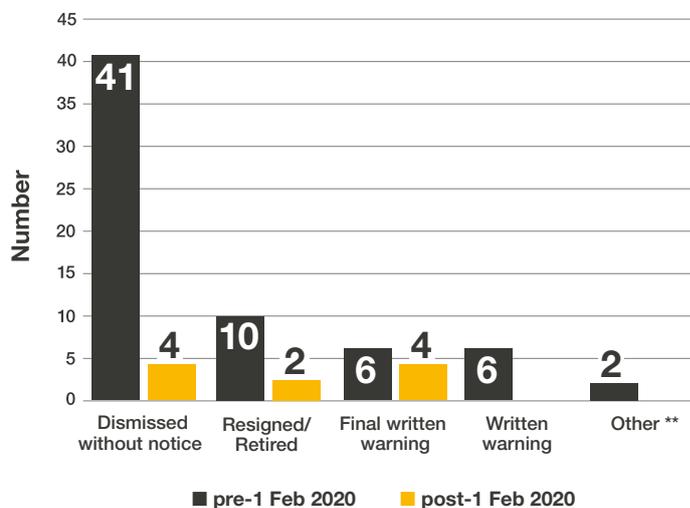
Figure 4: Outcomes following misconduct proceedings 2021/22



In the 75 proceedings where gross misconduct was proven, disciplinary actions imposed were:

- 45 people were dismissed without notice
- 12 people retired/resigned before they could receive their sanction*
- 10 people received a final written warning
- six people received a written warning
- two people received other actions**

Figure 5: Disciplinary actions following misconduct proceedings where gross misconduct was proven 2021/22*



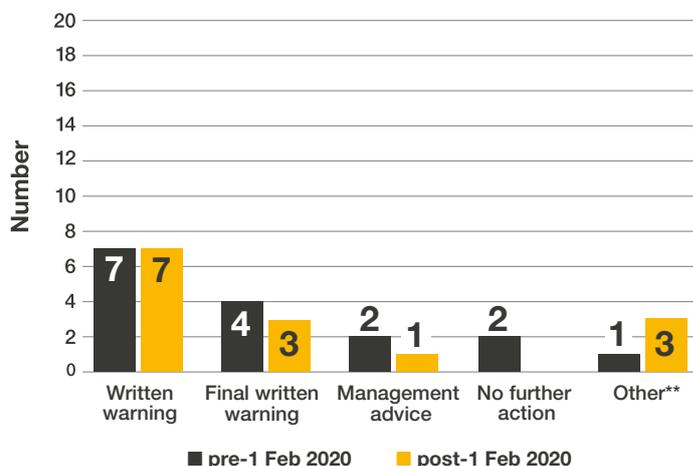
* If it was decided at the hearing that the sanction that would have been imposed had the subject not resigned/reitred was dismissal, then the subject would be added to the College of Policing's barred list.

** Other actions could include, but are not limited to, a reduction in rank.

In the 30 proceedings where misconduct was proven:

- 14 people received a written warning
- seven people received a final written warning
- two people had no further action
- three people received management advice
- four people received other actions*

Figure 6: Disciplinary actions following misconduct proceedings where misconduct was proven 2021/22*



Of the proceeding held in 2021/22, we directed the appropriate authority to hold them for nine police officers and staff. In four of these cases, the proceedings we directed found those involved had breached the standards of professional behaviour.

- Two proceedings proved gross misconduct, where both people were dismissed without notice.
- One proceeding proved misconduct, and the person received no further action.
- One proceeding provide misconduct, and the person received an action recorded as other*

* Other actions could include, but are not limited to, a reduction in rank.

Criminal proceedings

The fact that criminal proceedings took place during 2021/22 does not necessarily mean the associated IOPC investigation was completed within the same period.

In 2021/22, the CPS brought criminal proceedings against 37 police officers and one staff member following an IOPC investigation. These proceedings resulted in 23 guilty verdicts or pleas. A person can receive more than one sentence or sanction and can be charged or prosecuted for more than one offence. Therefore, there can be more sentences in total than there are verdicts and pleas.

Where the verdict (or plea) was guilty:

- 13 people received a custodial sentence
- eight people received a fine
- six people received a community sentence
- five people received a suspended sentence
- one person was disqualified from driving for 12 months and required to take an extended driving test
- one person was fined £100 and required to pay costs

Figure 7: Table of offences – guilty verdicts 2021/22

Offence charged	Number
Misconduct in public office	12
Actual bodily harm	1
Careless driving	2
Assault by beating	2
Forgery and counterfeiting	1
Manslaughter	1
Common assault	4

The proceedings also resulted in 14 not guilty verdicts:

Figure 8: Table of offences – not guilty verdicts 2021/22

Offence charged	Number
Actual bodily harm	1
Assault by beating	1
Careless driving	3
Causing death by careless driving	1
Common assault	2
Dangerous driving	1
Grievous bodily harm	2
Perverting the cause of justice	2
Sexual assault	1

Outcomes of thematic investigations

Thematic areas

In the 2019/20 financial year, we implemented thematic case selection. Thematic cases focus on issues that are of the most concern to the public – mental health, abuse of power for sexual purposes (APSP), road traffic incidents (RTI), and race discrimination.

We continue to investigate serious and sensitive cases that fall outside of these thematic areas. Work that does not fall under any of the thematic areas is either a part of our 'core' work, or under the remit of the Directorate for Major Investigations. For example, if a death in custody or a complaint about an officer's use of force did not fall under a thematic category (such as race discrimination), then it could still be taken on as a part of our 'core' work. Whether something is considered a thematic investigation is a decision made when it is referred to our assessment unit.

The focus for thematic case selection is on identifying potential learning. We identify issues and trends in relation to these themes, to help build a body of evidence to identify systemic matters to be addressed and good practice that can be shared – helping to drive real improvements in police practice. Therefore, whilst an investigation might not result in a misconduct outcome for an individual officer/staff, it may result in learning recommendations for the force involved. You can read more on this subject in our [Impact Report](#).

Thematic areas for case to answer decisions 2021/22*

In the 2021/22 financial year, of the 262 subjects whose conduct was investigated, 125 were involved in an investigation related to one of the thematic areas.

There are 16 investigations, with 35 subjects, which come under neither a core nor thematic category. This is because they were either started before thematic investigations were introduced, are linked to another investigation, or come under the remit of the Directorate for Major Investigations. Therefore, subjects in the charts may not add up to the total number of subjects included in this report.

*Thematic area data is not provided for the outcomes of proceedings in this report. This is because most of the investigations involved in those outcomes were started before thematic areas were introduced.

Of the 138 subject officers/staff who were found to have a case to answer, 67 were involved in a thematic investigation. This does not mean that the specific misconduct identified was directly related to the investigation’s thematic area.

Figure 9: All subjects - thematic areas 2021/22

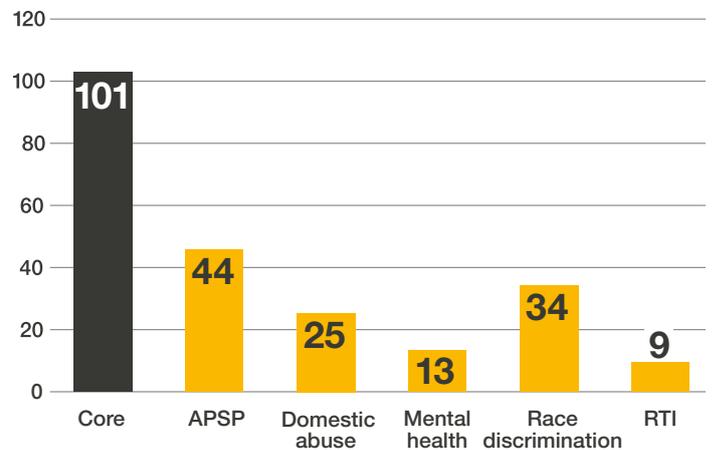
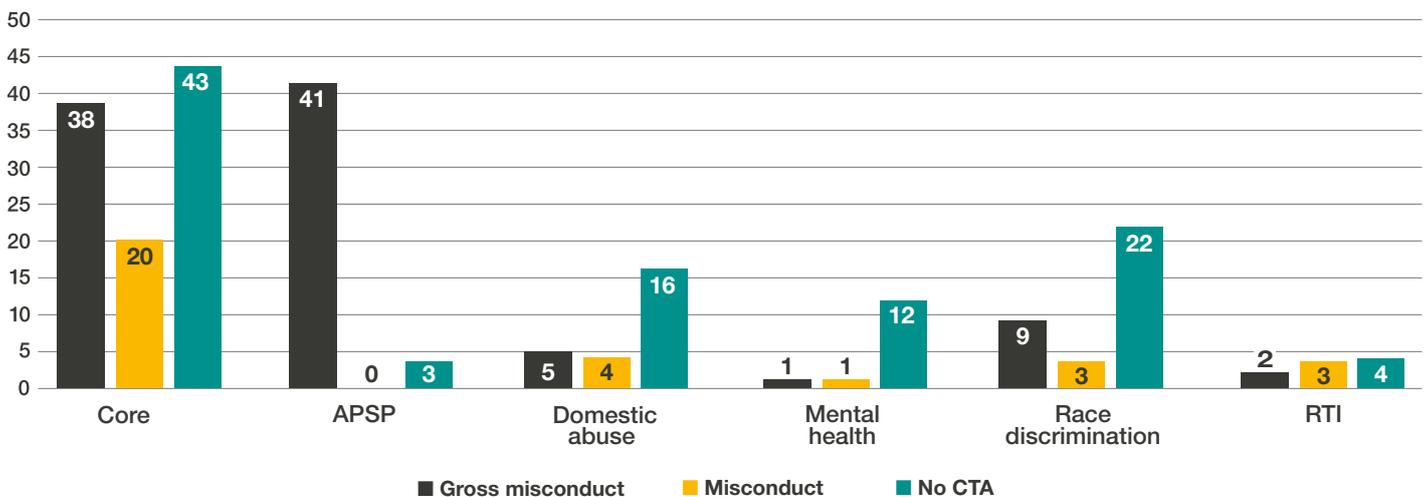


Figure 10: Thematic breakdown, gross misconduct, misconduct, and no case to answer



Of the 105 subjects who were found to have a case to answer for gross misconduct, 37% (38) of them were part of a core investigation. 39% (41) were part of an investigation relating to APSP, comprising 93% of the 44 subjects in total who were part of APSP related investigations.

Of the 33 subjects who were found to have a case to answer for misconduct, 61% were core investigations (20). 12% of the subjects (4) were involved in investigations related to domestic abuse.

Of the 124 subjects who were found not to have a case to answer, 34% were involved in core investigations (43). 18% (22) were involved in investigations related to race discrimination, making up 65% of all subjects with a case to answer decision to an investigation related to this area. Further action was taken for 41% (9) of these people.

Where there is no case to answer there may still be learning recommendations for the relevant appropriate authority.

Annexes

Annex A: glossary

Appropriate authority – the appropriate authority is one of the following:

- the chief officer of the police force
- the police and crime commissioner for the police force the complaint is about
- the Mayor’s Office for Policing and Crime (if the complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if the complaint is about the Commissioner of the City of London police)

Conduct – refers to the way someone behaves and the way they treat others. For example, it can include things they say or do not say and their decisions. Police officers and staff must behave in a way that meets professional standards.

Conduct matter – situations where there is an indication a person serving with the police may have committed a crime or behaved in a manner that would justify disciplinary proceedings.

Core work – investigations that have a sufficient level of seriousness and public interest that they require independent oversight by the IOPC. Other matters may still attract oversight by the IOPC if they fall into one of our current thematic areas.

Disciplinary action – happens at the end of misconduct proceedings and can include the following:

- (a) management advice
- (b) written warning
- (c) final written warning
- (d) existing final written warning being extended
- (e) dismissal with notice
- (f) dismissal without notice

Final written warning – this is given when a previous written warning has not been effective or where a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual’s personal file.

Gross misconduct – a breach of the standards of professional behaviour that is so serious that dismissal would be justified.

Management action – steps taken by a manager to improve performance or manage the behaviour of a member of staff. It is an opportunity to learn and improve. It addresses performance and conduct in a timely, proportionate and effective way. Management action is not a formal disciplinary outcome.

Management advice – situations when management action is imposed as a formal disciplinary outcome following misconduct proceedings or an appeal meeting.

Misconduct – a breach of the standards of professional behaviour so serious as to justify disciplinary proceedings.

Misconduct hearing – deals with misconduct and can impose disciplinary action up to and including dismissal.

Misconduct meeting – deals with misconduct and can impose disciplinary action up to and including a final written warning.

Misconduct proceedings – for a member of a police force or a special constable, misconduct proceedings means a misconduct meeting or a misconduct hearing. For a member of police staff, misconduct proceedings means any proceedings or management process that considers their conduct (as opposed to their performance) in order to decide whether their conduct warrants a sanction.

Reflective Practice Review Process - the procedures set out in part six of the Police (Conduct) Regulations 2020 for handling practice requiring improvement.

Thematic work – investigations that fall into one of our thematic areas, and therefore attract oversight by the IOPC even if they do not meet the requirements of core work. These thematic areas are abuse of power for sexual purposes (APSP), domestic abuse, mental health, near misses, race discrimination, and road traffic incidents (RTI).

Unsatisfactory performance procedures – used to improve someone's performance. It deals with inability or failure to perform to a satisfactory level, but without breaching the standards of professional behaviour.

Written warning – these may be given when a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual's personal file.

Annex B: data considerations

Outcomes following IOPC investigations are recorded on a bespoke database. This includes the outcomes for individual police officers/staff who have been the subject of an investigation. A single investigation may consider the conduct of multiple people. The figures in this report refer to the outcomes for individual police officers/staff and not the number of investigations (unless otherwise stated).

The data in this report is live. It may be subject to change and may reflect errors with data entry and processing.

The IOPC is committed to improving and reviewing the quality of its data. As data quality improves, there may be variance with figures reported previously.

This report covers 1 April 2021 to 31 March 2022. The investigations covered in this report may have been completed during this period. However, they may have been completed before 2021/22 with the resulting misconduct proceedings taking place during 2021/22. This means investigation outcomes and proceedings figures should not be compared.

This report does not constitute official statistics as defined in the *Statistics and Registration Service Act 2007*.

Contact us to find out more about our work or to request this report in an alternative format:

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We welcome telephone calls in Welsh.
Rydym yn croesawu galwadau ffôn yn y Gymraeg

November 2022

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