

# OVERSIGHT

## newsletter

Welcome to our monthly newsletter which provides updates about the work of the Independent Office for Police Conduct (IOPC). The newsletter is for complaint handlers in forces and local policing bodies (LPBs).

### Death or serious injury referrals – missing body

In our [June 2021 newsletter](#), we provided clarification on death or serious injury (DSI) matters where there is no body. Now we have further guidance on circumstances where a person is suspected to have died following contact with the police. Here is an example to help illustrate the point.

A DSI matter is defined as any circumstances (unless the circumstances are or were the subject of a complaint or amount to a conduct matter) in which, or as a result of which, a person has died or sustained serious injury and:

- at the time of death or serious injury the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; or
- at or before the time of death or serious injury the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death or serious injury. (Section 12, *Police Reform Act 2002*)

The definition of a DSI does not require there to be a dead body. The requirement is for the person to have died. It is the IOPC's position that in the absence of a dead body, the requirement that the person 'has died' can be proved by circumstantial evidence. In other words, evidence from which the death of the person can be reasonably inferred.

For example, a person was apprehended by the police but then escapes and jumps into a nearby river. The person is seen by a witness to go under the water but is not seen to come back up. Despite a search, the body is not found. In the IOPC's view, the evidence from the witness who saw the person go under the water and not come up is circumstantial evidence of their death. The death of the person can reasonably be inferred from that evidence.

While in the absence of a body, there is a possibility that the person could still be alive, it is better to refer these types of cases so the IOPC can make a decision on whether to investigate in a timely manner. Not referring these cases could have an impact on public confidence in policing.

### Learning the lessons question bank

Our [Learning the Lessons](#) magazine aims to support the police service to learn lessons from investigations through short case studies and questions for policy makers, managers, police officers and staff to consider. Did you know that all questions are collated into a [question bank](#) and

published on the IOPC website? Each issue of the magazine has its own tab on the question bank, with questions categorised by case study themes and question types.

## Recent Information

### Review practitioner workshop report and supporting documents

At the end of May we shared a summary report and supporting materials from the review practitioner workshops attended by LPBs in October and November 2021. The report outlined the key themes of the workshop discussions and survey feedback that has helped shape how we continue to build on our working relationship with LPBs and share good practice as peer review handlers. We also shared a guide to some of the common assessments and considerations that appropriate authorities and review practitioners need to consider. These documents are available on the [‘Oversight work and guidance’ pages on our website](#).

### Assessment Unit pilot – mode of investigation decision letters by email

The IOPC Assessment Unit will pilot sending mode of investigation (MOI) decision letters to appropriate authorities (AAs) by email, rather than in a Word document letter. The pilot will take place in the first week of August. We will continue to send decisions to subjects, complainants and interested parties by letter. MOI decisions to Police and Crime Commissioners and Police and Crime Panels will also continue being sent in letter format. Decision emails will include a short introduction to explain the pilot and invite feedback on the process.

## ? Common questions from forces and LPBs

**Q: Where a complaint is initially dealt with otherwise than by investigation (OTBI) but the IOPC has upheld the review and an investigation is now needed, at what point is a 12 month letter required?**

A: The relevant period starts from the date the complaint was made or the date the conduct came to the attention of the AA. If the review is upheld and 12 months have passed since the date of the complaint, then the letter should be sent as soon as is practicable from the upheld review decision. We would then expect an update at 18 months from the date of the complaint and every six months thereafter as required. Further guidance can be found in the [operational advice note on 12 month timeliness reports](#).

**Q: A review has directed a reinvestigation of a complaint made against an officer who moved to a new force while the review was being considered. Does the reinvestigation have to be passed to the new force?**

A: The original force can reinvestigate the matter. However, they should keep the AA at the new force informed on the progress of the investigation and have a discussion before making decisions. This is because the new force will need to complete any resulting actions with the officer.

**Q: Is it mandatory to share the full investigation report with a complainant at the conclusion of the investigation?**

A: There are a number of exceptions where it may be appropriate not to share information with a complainant as set out in paragraphs [11.16 to 11.20 of the IOPC statutory guidance](#). Aside from those exceptions, the full investigation report is usually provided to the complainant at the end of the investigation to help them to understand how their complaint has been handled. However, the statutory guidance does not state that it is mandatory to do this. The complainant should be provided with enough information to understand what happened with their complaint, the conclusions reached by the investigator and any outcomes.

**Q: If the IOPC uphold a review for a complaint that was handled otherwise than by investigation, can the reviewer return the case for a second attempt at handling OTBI?**

A: No, the IOPC does not have the power to direct that a complaint is handled otherwise by investigation for a second time. If we uphold a review because we do not think the outcome of an OTBI complaint is reasonable and proportionate, the legislation only allows us to direct an investigation or make a recommendation under paragraph 28ZA with a view to remedying the dissatisfaction. A complaint does not have to meet the misconduct threshold test for an investigation to be directed in these circumstances. See [section 18.41 of the IOPC statutory guidance](#) for information.

## Corporate news

### **Report into South Yorkshire Police's handling of Rotherham child sexual abuse investigations between 1997 and 2013**

Police forces must remain vigilant in the face of the evolving threat of child sexual exploitation and abuse.

In June 2022, we published our overarching report from Operation Linden, a wide-ranging series of investigations into South Yorkshire Police's (SYP) responses to allegations of child sexual abuse and exploitation between 1997 and 2013.

While acknowledging the significant changes made since then to improve the way the force deals with this kind of offending, the report found significant failures by SYP, which was not ready at that time to deal with the nature and scale of the problem in Rotherham.

IOPC Director of Major Investigations Steve Noonan said: "I would first and foremost like to thank again the survivors who have shown incredible bravery in speaking out about their experiences and throughout Operation Linden.

"It is thanks to them that we have been able to paint a detailed picture of the way these allegations were handled by SYP and bring about some of the changes that were so badly needed. Their welfare has been our number one priority right from the outset.

"This report is the culmination of a huge amount of work to shine a spotlight on these extremely important issues. Now there is an opportunity, right across policing, to honour the survivors by ensuring mistakes of the past are never repeated."

The report includes findings and summaries from 91 investigations started between 2014 and 2018, the last of which was completed in 2020. They cover 265 separate allegations made by 51 complainants, 44 of whom were survivors of abuse and exploitation.

The [full news release is available on our website](#), along with the [Operation Linden investigation report, executive summary and fact sheet](#).

## Latest news

Keep up to date on our investigations and other work to increase public confidence in the police complaints system. You can find our [latest IOPC news](#) on our website.

[Former Humberside officer sentenced for sharing confidential police intelligence](#)

[Former West Mercia Police officer charged with sexual assault by touching](#)

[Five Derbyshire officers had a case to answer following death of Gracie Spinks by stalker](#)

[Leicestershire Police officer given final written warning after gross misconduct proven for baton incident](#)

[Investigation into fatal road collision following pursuit by Norfolk police officers](#)

[Two Greater Manchester Police officers cleared of gross misconduct after complaints about use of force](#)

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If you have any questions, please get in touch with your Oversight Liaison or a member of the Oversight team.

