

FOI Disclosures October 2023

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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> 5024398 Back to top	<u>Legal Services Heading of IOPC Annual Report and Accounts 2021/22</u>
<u>Request</u>	<p><i>You asked a number of questions concerning the budget head “Legal Services” shown in the IOPC Annual Report and Accounts 2021/22.</i></p> <ol style="list-style-type: none"><i>1. Does the heading legal services relate solely to legal costs incurred by external providers of services?</i><i>2. What are the categories that are covered by legal services? For example, does this include costs associated with challenging judicial reviews, legal expenses incurred by responding to civil claims for damages and the payment of costs and damages to claimants?</i><i>3. If this budget head does include all or some of those issues, I need a breakdown of the costs associated with each of those examples.</i><i>4. If those legal services do not cover responding to judicial reviews, legal expenses incurred by responding to civil claims for damages and the payment of costs and damages to claimants, I require a breakdown of the costs associated with each of those examples for the four years covered by the annual report.</i><i>5. If these costs are not included under legal services, where are they included in the other budget heads shown on the annual report?</i>

	<p>Would they for example be included in the budget head “other costs”?</p> <p>6. The annual report also shows the costs of “staff”. What were the annual costs of staff employed to provide internal legal services?</p>																																
<p><u>Response</u></p>	<p>Answer 1. The heading relates solely to legal costs incurred by external providers of services, however the review prompted by your FOI has revealed a coding error which has resulted in some non-legal services being included. The corrected numbers are shown in table 1 below.</p> <table border="1" data-bbox="416 528 1054 618"> <thead> <tr> <th>Table 1</th> <th>18-19</th> <th>19-20</th> <th>20-21</th> <th>21-22</th> </tr> </thead> <tbody> <tr> <td>Legal Services</td> <td>757</td> <td>827</td> <td>1,241</td> <td>1,420</td> </tr> </tbody> </table> <p>Answer 2. The categories covered by legal services include judicial reviews, expenses incurred by responding to civil claims, payment of costs and damages to claimants, and general services on trials, inquests, disciplinary hearings, investigations, human resources issues, commercial contracts, property contracts and all other matters where legal services are required.</p> <p>Answer 3. The coding used in the Finance system does not give this level of detail and it would take more than 18 hours to review every invoice received over four years to collate this information. However, we have undertaken a manual review for 2021/22 and 2020/21 to provide summary information on this matter. The data is shown in the table 2 below.</p> <table border="1" data-bbox="416 1070 1054 1223"> <thead> <tr> <th>Table 2</th> <th>20-21</th> <th>21-22</th> </tr> </thead> <tbody> <tr> <td>JR's & Civil Claims</td> <td>547</td> <td>1,039</td> </tr> <tr> <td>General services</td> <td>694</td> <td>381</td> </tr> <tr> <td>Total</td> <td>1,241</td> <td>1,420</td> </tr> </tbody> </table> <p>Answer 4. Refer to the answer to question 2 which explains that any matter requiring legal services is covered by this heading.</p> <p>Answer 5. Refer to the answer to question 2 which explains that any matter requiring legal services is covered by this heading.</p> <p>Answer 6. The values are shown in table 3 below.</p> <table border="1" data-bbox="416 1547 991 1608"> <thead> <tr> <th>Table 3</th> <th>18-19</th> <th>19-20</th> <th>20-21</th> <th>21-22</th> </tr> </thead> <tbody> <tr> <td>Staff costs</td> <td>1,947</td> <td>2,015</td> <td>2,119</td> <td>1,966</td> </tr> </tbody> </table>	Table 1	18-19	19-20	20-21	21-22	Legal Services	757	827	1,241	1,420	Table 2	20-21	21-22	JR's & Civil Claims	547	1,039	General services	694	381	Total	1,241	1,420	Table 3	18-19	19-20	20-21	21-22	Staff costs	1,947	2,015	2,119	1,966
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<p><u>Ref</u> <u>5024411</u></p> <p>Back to top</p>	<p><u>Deaths in police custody of people with mental health problems</u></p>																																
<p><u>Request</u></p>	<p><i>How many people with mental health problems have died in police custody since 2020.</i></p>																																

Response

The Independent Office for Police Conduct (IOPC) (and previously the Independent Police Complaints Commission) is responsible for producing annual national statistics on deaths during or following police contact in England and Wales. The statistics include deaths that have occurred across a number of circumstances that are grouped into five categories. Following clarification about the meaning of 'deaths in police custody' within your request, we have used the category of 'deaths in or following police custody'.

The 'deaths in or following police custody' category includes deaths that happen while a person is being arrested or taken into detention. It includes deaths of people who have been arrested or detained by police under the Mental Health Act 1983. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle. This includes deaths that happen:

- during or following police custody where injuries that contributed to the death happened during the period of detention.

- in or on the way to hospital (or other medical premises) during or following transfer from scene of arrest or police custody.

- as a result of injuries or other medical problems that are identified or develop while a person is in custody.

- while a person is in police custody having been detained under Section 136 of the Mental Health Act 1983 or other related legislation.

This does not include:

- suicides that occur after a person has been released from police custody.

- deaths that happen where the police are called to help medical staff to restrain people who are not under arrest.

During the process of compiling the annual statistics, we record information on whether mental health was identified as relevant to the individual who died. The mental health marker is selected on a case if the individual has been detained under the Mental Health Act, is a patient at a psychiatric hospital, or if the individual is reported as having current or historical mental health concerns. If the person is known to have previously attempted suicide or is reported to be suffering from depression, the mental health factor would also be selected. Information on mental health may be drawn from; information received from the police force at the point of referral; self-reported information by the deceased; or evidence provided by the medical staff or close associates of the deceased. We have used the mental health marker to compile the data for your request.

Selection of the mental health marker does not necessarily mean that the individual was in a mental health crisis during their contact with the police, or that they were receiving or had received formal support for a mental health concern.

The timeframe we have considered under your request is deaths occurring between 1 January 2020 and 31 March 2023. During this time period, there were

34 deaths in or following police custody where the individual was identified as having mental health concerns. We have been unable to look at any more recent deaths as the reporting of deaths within this category will be included in our 2023/24 annual death report. These cases are still in the process of being verified and checked.

Ref
5024425
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Police complaint statistics – discriminatory behaviour on the basis of race

Request

For the years 2012/13 to 2022/23 how many complaints were logged concerning discriminatory behaviour on the basis of race and what was this as a percentage of total complaints.

Of the complaints made concerning discriminatory behaviour and race how many were subject to a formal investigation

Of the complaints concerning discriminatory behaviour and race that were subject to investigation how many were:

a) Subject to special procedures
b) Not subject to special procedures

Of the complaints that were subject to special procedures how many resulted in the following decisions:

a) Case to answer
b) No case to answer

Of the complaints that were not subject to special procedures how many resulted in the following decisions:

a) the service provided was acceptable
b) the service provided was not acceptable
c) not able to determine if the service provided was acceptable
d) no further action
e) withdrawn

Response

Current legislation	2022/23	2021/22	2020/21						
For the years in columns C-E how many allegations were logged concerning discriminatory behaviour on the basis of race and what was this as a percentage of total complaints.	2266 (3%)	2221 (3%)	2375 (4%)						
Of the complaints made concerning discriminatory behaviour and race how many were subject to a formal investigation	628	708	272						
Of the complaints concerning discriminatory behaviour and race that were subject to investigation how many were:									
a) Subject to special procedures	78	66	28						
b) Not subject to special procedures	550	642	244						
Of the complaints that were subject to special procedures how many resulted in the following decisions:									
a) Case to answer	15	4	5						
b) No case to answer	48	54	22						
Of the complaints that were not subject to special procedures how many resulted in the following decisions:									
a) the service provided was acceptable	469	520	205						
b) the service provided was not acceptable	22	19	7						
c) not able to determine if the service provided was acceptable	20	23	9						
d) no further action	18	63	17						
e) withdrawn	18	12	6						
Previous legislation	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	
For the years in columns C-J how many allegations were logged concerning discriminatory behaviour and what was this as a percentage of total complaints.	1616 (6%)	1580 (5%)	1668 (5%)	1595 (5%)	1584 (5%)	1624 (4%)	1422 (4%)	1361 (4%)	
Of the complaints made concerning discriminatory behaviour how many were subject to a formal investigation	1045	964	1117	969					
Of the complaints concerning discriminatory behaviour and race that were subject to investigation how many were:									
a) Subject to special requirements	108	110	182	61	Only the headline figures provided are available for 2015/16 and earlier				
b) Not subject to special requirements	937	854	935	908					
Of the complaints that were not subject to special procedures how many resulted in the following decisions:									
a) not upheld	916	836	897	877					
b) upheld	21	18	38	31					

	<p>Notes</p> <ul style="list-style-type: none"> • Categories such as 'Discriminatory behaviour - Race' are recorded at allegation level rather than complaint level. Therefore the percentages here are approximate calculation based on data gathered for the relevant period's annual police complaint statistics. Some allegations logged in the period may be connected to complaints logged in a previous period. • Data relating to completed matters refers to specific allegations finalised in the period. A complaint case can consist of a number of allegations each with different categories • An allegation subject to special procedures can also have an outcome that is also applicable to non-special requirements handling • Data for the periods 2020/21, 2021/22 and 2022/23 are termed 'Experimental Statistics' (ONS definition - 'official statistics that are in the testing phase and not yet fully developed') <p>Legislation change effective from 1 February 2020 changed the way that data is collected and what is available, a breakdown of discrimination allegations into type of discrimination is not available:</p> <ul style="list-style-type: none"> • 'Special procedures' in the above data are referred to as 'special requirements' here • Data relating to the outcomes of special requirements investigations is not available • Non-special requirements allegations had an outcome of either Upheld or Not Upheld • 2019/20 data covers the period 1 April 2019 to 31 January 2020 	
<p><u>Ref</u> <u>5024424</u></p> <p>Back to top</p>	<p><u>Information governance software</u></p>	
<p><u>Request</u></p>	<p><i>1. Does your organisation use any applications or software to record Record of Processing Activity (ROPA)? If so, please state the product name(s) and version numbers(s) (if known)</i></p> <p><i>2. Does your organisation use any applications or software to support preparation for, or maintenance of ISO 27001 and/or ISO 27701 compliance? If so, please state the product name(s) and version numbers(s) (if known)</i></p> <p><i>3. Does your organisation use any applications or software associated with data breach management?</i></p>	

	<p>4. Does your organisation use any applications or software associated with Freedom of Information management? If so, please state the product name(s) and version numbers(s) (if known)</p> <p>5. Does your organisation use any applications or software for Policy Management? If so, please state the product name(s) and version numbers(s) (if known)</p> <p>6. Does your organisation use any eLearning for Data Protection and Security Awareness</p> <p>7. Has your organisation reviewed / explored the market regarding the provision of technology which supports the delivery of Information Governance functions? If yes - please specify what actions have been taken? If no - does your organisation have any plans to review / explore this market in the next 3 years?</p> <p>8. Has your organisation allocated budget / financial resources regarding the commissioning / procurement of technology which supports the delivery of Information Governance functions? If yes - please specify what actions have been taken? If no - does your organisation have any plans to allocate budget / financial resources in the next 3 years?</p> <p>9. Has your organisation developed a business case (outline or otherwise) regarding the commissioning / procurement of technology which supports the delivery of Information Governance functions? If yes - please specify what actions have been taken? If no - does your organisation have any plans to develop a business case in the next 3 years?</p> <p>10. Will there be any opportunities to engage with your organisation regarding the commissioning / procurement of technology which supports the delivery of Information Governance function in the next three years?</p>
<p><u>Response</u></p>	<p>Questions 1 to 5: We have decided that releasing software names and versions into the public domain would reveal details of our application layer attack surface and potential future vulnerabilities that could be used by a threat actor for reconnaissance to launch phishing attacks and/or exploit a vulnerability. As such we are refusing to respond by virtue of an exemption at section 31(1)(a) of the FOIA. We have decided that the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>Question 6: We use a combination of in-house bespoke training and some civil service e-learning packages which touch on data protection and security awareness.</p>

	<p>Question 7: We are prioritising and exploring the use of Microsoft packages for wider data governance across the IOPC.</p> <p>Questions 8 and 9: No. We have no plans at his time.</p> <p>Question 10: Any future opportunities would be sought via G-Cloud and CCS frameworks in due course. Please refer to the following website for information regarding selling goods and services to the public sector: Sell goods or services to the public sector: Different ways to sell - GOV.UK (www.gov.uk)</p>
<p>Ref 5024483 Back to top</p>	<p><u>IOPC workforce independence and accountability</u></p>
<p><u>Request</u></p>	<p><i>I'm wondering if you are covered by FOI? (Freedom of Information)</i></p> <p><i>I would like to know how many people working for the IOPC were previously employed by the Police.</i></p> <p><i>Who is watching the watchers, who is regulating the regulators - is there any other body that is looking into the conduct of the Independent Office for Police Conduct?</i></p>
<p><u>Response</u></p>	<p>We can confirm that the IOPC is a public authority that is covered by FOI legislation.</p> <p>We publish information regarding the number of staff who have previously worked for the police on our website. This can be found by downloading the report found here; Staff Diversity data 2022/23 Independent Office for Police Conduct (IOPC). This report is updated annually.</p> <p>The Acting Director General of the IOPC is a Crown appointment and is not directly accountable to any other body or person for our operational decisions. However, there are several different aspects to IOPC accountability.</p> <p>In terms of how we carry out our functions in relation to police complaints and misconduct, the IOPC is operationally independent of the government, the police and interest groups. We are accountable to the law and all our decisions can be judicially reviewed; we can also be investigated by an external police force, for example, where it is suspected that a criminal offence may have been committed.</p> <p>In regard to our governance, the Acting Director General, in his role as accounting officer, is personally accountable to parliament for the expenditure of public money. As the Home Office is our sponsor department, the Acting Director General is also answerable to the Home Secretary for the IOPC's expenditure and performance.</p> <p>Information about our governance framework is available on this page of our website. The Acting Director General leads the executive team and chairs the Board of the IOPC. The Unitary Board is responsible for ensuring appropriate arrangements are in place for good governance and financial management of the IOPC.. The Board has a majority of six non-executive members and the lead non-executive member can raise concerns with the Home Secretary. Further details of the executive and non executive members can be found on our website here: Our people Independent Office for Police Conduct (IOPC)</p> <p>As with any public body, members of the public can raise concerns with their Member of Parliament who can then ask the relevant Minister to respond.</p>

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5024441
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IOPC call in powers and referral threshold for chief officers

Request

Details for each of the years since and including 2018 that the IOPC "called in" matters for investigation and that is to include the figures for so far this year

Please provide me with a blank copy of a 7.1 referral form.

Details of the threshold criteria for the referral of chief officers and what ranks come within the remit of being chief officers for that purpose."

Response

We have completed an automated search of our system to identify referrals for which we used our power to require a matter to be referred (call in power) between 1 January 2018 and 24 September 2023 and undertook a further manual review of those cases to ensure they met the criteria. We consider using the 'call in' power in situations where we have been made aware of a matter that it appears we may want to independently investigate, and we have not received a referral. In order for us to use the 'call in' power the matter must have been recorded and the IOPC cannot use this power for DSI matters. The relevant Regional Director at the IOPC will make the decision to direct the call-in of a referral. Within the stated timeframe we consider that five matters were called in. Four in 2018 and one in 2020. Please find attached a blank copy of the 7.1 referral form.

Form 7.1 [SECURITY CLASSIFICATION] 28 01 20

Force Name/Logo **IOPC** Independent Office for Police Conduct
Phone: 0300 020 0096 E-mail:

IOPC – Referral Form

Please fill in as much of this form as possible and e-mail it to us immediately. We need this information to assess the complexity of the case and the appropriate level of investigation needed. If information is not available at this stage of the investigation, please send us further details within five working days or provide reasons for the delay.

A Force/Agency name: Contact details:

1. Date complaint was made, or conduct or DSI matter came to the attention of the appropriate authority:

1a. Referral date

2. Referral time (24-hour clock)

3. Initial contact name

4. Role or job title

5. Station address

6. Phone number

7. Fax number

8. E-mail address

B General Details

1. Force or authority reference number

2. Our reference number

3. If there has been a delay in the referral, please give the reasons for the delay.

4. Origin of referral (tick one box only)
Complaint Recordable conduct matter Death or serious injury

5. Nature of referral Mandatory Voluntary Called in by IOPC

6. If voluntary please state reason for referral to IOPC

6a If voluntary, is this a direction and control matter? Y/N
If you have answered YES to the above question, have you sought permission from the IOPC? Y/N:

7. Is the complainant (tick one box only):
the subject of the conduct adversely affected by the conduct
a witness to the alleged conduct acting on their behalf
does not apply (conduct matter)

[SECURITY CLASSIFICATION] Page 1 of 5

Form 7.1 [SECURITY CLASSIFICATION] 28 01 20

C Details of the complainant/subject/deceased

1. First name or names

2. Last Name

3. Email address

4. Address (including postcode)

5. Date of birth

6. Sex: Male Female Transgender Male Transgender Female
Other Unknown

7. Ethnic origin (select one only):
white: English/Welsh/Scottish/Northern Irish/British
white: Irish
white: Gypsy or Irish Traveller
white: any other white background please describe
mixed: white and black Caribbean
mixed: white and black African
mixed: any other mixed/multiple ethnic background please describe
Asian: Indian
Asian: Pakistani
Asian: Bangladeshi
Asian: Chinese
Asian: any other Asian background please describe
black: African
black: Caribbean
black: any other black/African/Caribbean background please describe
other: Arab
other: any other ethnic group please describe
not known
prefer not to say

8. Sexual Orientation (select one only):
Heterosexual or Straight
Gay or Lesbian
Bisexual
other please describe
not known
prefer not to say

9. Religion and Belief (select one only):
no religion
Christian (including Church of England, Catholic, Protestant and all other Christian denominations)

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Buddhist
 Hindu
 Jewish
 Muslim
 Sikh
 any other religion please describe
 not known prefer not to say

10. Name and address of any other injured parties (if this applies)

11. Details of all other relevant parties, for example, next of kin, coroner, solicitor, F.L.M.

D Details of officers/staff concerned

Officer(s) / staff member(s) involved including location and rank (if known)	Sex	Ethnic origin	Sexual Orientation (if known)	Religion and Belief (if known)	Have notices of investigation been served? If 'Yes', please provide copies.

E Details of the Complaint, Recordable Conduct Matter or Incident

1. Date of the alleged incident DD/MM/YYYY
 2. Time of the alleged incident :
 3. Date the complaint was made (if this applies) DD/MM/YYYY
 4. Address where the incident took place

F Description of the Complaint, Recordable Conduct Matter or Incident

1. Description of the complaint, recordable conduct matter or incident
 Please include FULL details, including actions, outcomes, injuries and medical assistance.

2. Nature and number of allegations

3. What evidence is available? (please send with this form if possible)
 Custody report Coroner's report CCTV Complaint form
 Forensic evidence Officer's notes Other (give details below) None
 Medical evidence Other evidence: please give details

4. Number of police witnesses Number of independent witnesses

G Nature of Complaint, Recordable Matter or Incident

1. Relevant factors (tick all that apply)

Acute Behavioural disorder/excited delirium
 Article 3 ECHR
 Body worn camera
 Call Handling
 Civil/Neighbour hood dispute
 Corruption /perjury
 Custody
 Death
 Discrimination
 Domestic violence/gender abuse
 Drugs/alcohol
 Failure to investigate
 Mental health
 Missing person
 Near miss in custody
 Public order
 Risk assessment
 Road traffic incident
 Self harm/ suicide risk
 Serious injury
 Sexual assault or harassment
 Stop/search
 Terrorism
 Use of force
 Young person

None of these

2. Are any of the following relevant to the Incident or allegation? (tick all that apply)

Age
 Disability
 Gender/gender reassignment
 Other discrimination
 Race
 Religion & Belief
 Sexual Orientation
 None of these
 If 'Yes', please describe.

3. Are drugs or alcohol relevant? (tick all that apply)
 Drugs Alcohol No known drug or alcohol use
 If 'Yes', please describe.

4. Is mental health relevant? (tick all that apply)
 Held under the Mental Health Act (Sec. 135 and 136) Other evidence of a mental-health issue
 If mental health is relevant, please give details:

H Details of the Relevant Contact (include role, names, addresses, phone numbers, e-mail)

1. Investigator or other main contact:

I Other Information

1. Details of the press or public interest

J Sub Judice Considerations

1. Are there any charges preferred or likely to be preferred against the complainant or other parties?
 Yes No
 If 'Yes', please provide details and the next court date.

Turning to your request for 'the threshold criteria for officers other than chief officers', we have interpreted this to be a request for the mandatory referral threshold criteria and this can be found at Chapter 9 page 57 of the [Statutory Guidance](#). Annex A at page 147 onwards of the [Statutory Guidance](#) includes 'Supplementary guidance on handling matters about the actions of chief officer'. Paragraphs A9 to A13 outline details of the threshold criteria for the referral of chief officers. The glossary section of the [Statutory Guidance](#) defines Chief Officer and states that for most police forces this will be the Chief Constable, for the Metropolitan Police Service and City of London Police it is the respective commissioners.

Further information on police ranks generally can be found at the following website: [UK Policing Ranks from PC to Chief Constable - Police Success](#)