

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).

Focus Issue 18 updated

We updated Focus Issue 18 on reasonable and proportionate outcomes to reflect our findings from our initial handling intervention. Updated topics include: quality of service decisions, service not acceptable, inconclusive outcomes, contradictory but plausible accounts and ineffective outcomes. We also removed the handling and outcomes charts at the end of the bulletin.

Providing background papers when the review body changes

We ask that when appropriate authorities or LPBs forward a review to the IOPC after a change to a relevant review body, the background papers are included with the review. If we are sent the review application but then have to request and chase the background papers, it creates unnecessary delays for the complainant and delays allocation of their review.

Failure to investigate – relevant review body test and Article 3

Appropriate authorities should consider the relevant review body test on a case-by-case basis on the wording of the complaint alone. Where the complaint is one that the police failed to investigate an allegation of a crime, the appropriate authority should consider if the complaint amounts to a breach of the complainant's rights Article 3 of the European Convention on Human Rights.

An example of police conduct which could be an infringement of Article 3 rights would be an allegation that the police did not, or were slow to launch an investigation and secure evidence when faced with credible allegations of serious ill-treatment. Serious ill-treatment includes domestic abuse, violence and sexual offences. When dealing with these types of crime, the threshold for inhuman or degrading treatment is a low one.

? Common questions from forces and LPBs

Q: When the IOPC, as the relevant review body, finds that an investigation outcome was not reasonable and proportionate and makes a recommendation under paragraph 28ZA, Schedule 3, *Police Reform Act 2002*, who is responsible for notifying the complainant? Also, who is responsible for notifying the complainant of the AA's response to the recommendation?

A: The obligation to inform the complainant of both the recommendation and the AA's response to it rests with the IOPC. It may, however, be good customer service for the AA to also contact the complainant and there is nothing in the Statutory Guidance to prevent that.

Q: Who is the RRB for a complaint that is linked to another complaint where the RRB is the IOPC?

A: It depends on what links the complaints. If the two complaints arise from the same incident, then the IOPC would be the RRB. If the complaint is about a similar matter but not directly linked, then the determination would be made on the allegations contained within the complaint, without reference to the linked complaint.

Corporate news

IOPC calls for stop and search law change and identifies 18 opportunities for improvement

The [IOPC is calling for action to address the disproportionate use of stop and search](#) on people from Black, Asian and other ethnic minority backgrounds and its impact on public confidence in policing.

[Our report](#) includes 18 recommendations aimed at improving policing practice so that people from a Black, Asian, or other minority ethnic background are safeguarded from stop and searches that are influenced by stereotyping and bias. We are looking to improve the way these powers are used by forces in England and Wales.

In year ending March 2021, people from a Black or Black British background were seven times more likely to be stopped and searched than those from a White ethnic background.

While people from an Asian, Asian British, or mixed ethnic background, were approximately two and half times more likely to be stopped and searched than those from a white ethnic background.

The recommendations were derived from stop and search data and independent investigations, appeals and reviews undertaken by the IOPC since 2018.

IOPC calls on forces to refer Taser discharges on children after review

We [request that police forces refer all Taser discharges on children](#) under 18 where there is a complaint or conduct matter.

The move aims to increase national scrutiny on Taser use on children, which is of concern for a wide range of stakeholders. Supported by the National Police Chiefs' Council, we wrote to all forces encouraging them to make relevant referrals from 1 May 2022. After six months, we will review the data and decide whether Taser discharges on children should be subject to mandatory referral to the IOPC. Such a measure would require a change to legislation.

Our decision comes after a review of our cases involving Taser. The responses we received to our recommendations have now been published. The review looked at 101 independent IOPC investigations, existing data and research and considered the views of a range of community groups and stakeholders.

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.

[Greater Manchester Police officer receives prison sentence for misconduct in public office](#)

[Former and serving West Mercia Police officers charged with sending grossly offensive messages](#)

[Lancashire officers acted appropriately during detention of man in Blackburn town centre who subsequently died](#)

[Met accepts IOPC recommendations after Operation Hotton investigation uncovers bullying and harassment](#)

[Statement following misconduct hearing linked to Operation Linden](#)

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

