

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).

## Corporate news

### Improvements to timeliness – 91% of core investigations completed in 12 months

We made improvements in the timeliness of our investigations. In the 2020/21 financial year, we completed 460 independent investigations (426 core and 34 major investigations) and 91% of core investigations were completed within 12 months. This exceeds our target of 85% for this year. The proportion of core investigations completed within 12 months has improved from 69% three years ago when we became the IOPC.

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A small number of the investigations we start each year take longer than 12 months. These are complex investigations, which often involve historical allegations. These investigations can be delayed by concurrent inquests or criminal proceedings, legal challenges and other complications.

We recognise the impact of lengthy investigations on police officers, complainants and families and we remain committed to working across the complaints and discipline system to improve the timeliness of our investigations, as well as associated processes determined by others. Everyone involved in the police complaints system has a responsibility to work together to improve timeliness.

Our 2020/21 annual report, which will include more information on our performance, should be available in the summer. [Monthly reports on how we are delivering on performance are also published on our website.](#)

### Hillsborough trial of three defendants underway

A significant milestone was reached in our Hillsborough investigation, with the trial now underway of three defendants charged with perverting the course of justice: Peter Metcalf, the solicitor acting for South Yorkshire Police in 1989, former Chief Superintendent Donald Denton, and former Detective Chief Inspector Alan Foster.

The trial is a direct result of our investigation into the actions of South Yorkshire Police following the disaster and centres on the alleged amendment of witness accounts by police officers.

### Importance of independent oversight in the wake of Derek Chauvin conviction

You will have seen the recent coverage of Derek Chauvin’s conviction for the murder of George Floyd in Minneapolis last May. Director General, Michael Lockwood said: “The murder of George Floyd was a tragic event which shone a spotlight on police accountability, use of force and discrimination.

“While we have a different system of policing and police accountability in the UK, recent events in the United States reinforce the importance of the IOPC in providing independent and robust oversight of policing in England and Wales.

Policing in the UK is by consent, which makes accountability and public trust paramount. Our work provides assurance to the community that policing practice is carried out appropriately, and reminds the police of their obligations to uphold professional standards of behaviour.”

You can read [our full statement on our website.](#)



## Corporate news cont'd

### Remembering Stephen Lawrence

On 22 April 1993, shockwaves swept across the UK as the news of Stephen Lawrence's murder was reported. At just 18 years of age, Stephen was the victim of an unprovoked, racist attack which led to his death.

The subsequent investigation and public enquiry highlighted institutional racism within police forces and cited police culture, operations and practices as major factors.

It was the Stephen Lawrence Inquiry report, written by Sir William Macpherson, which brought about the Independent Police Complaints Commission, the forerunner of who we are today, the Independent Office for Police Conduct. Our mission is intrinsically linked to Stephen and we have a responsibility in our work to honour his life and legacy.

Read a blog on [reflections about Stephen Lawrence day by Director General, Michael Lockwood](#).

### Latest news

Recent media releases we have issued include:

- [IOPC upholds driver's racially profiling complaint against Metropolitan Police officer](#)
- [Investigation finds no case to answer over knee strike by Met officer](#)
- [Sussex Police officer to appear at court charged in connection with road traffic incident](#)
- [Met officer dismissed without notice after using excessive force on teenage girl](#)
- [Two Met officers charged over crime scene photographs](#)
- [IOPC investigation into Metropolitan Police Service actions in search for Richard Okorogheye](#)
- [IOPC warns officers about inappropriate social media use](#)
- [Firearms officer served with gross misconduct notice following fatal shooting](#)

Our Director General Michael Lockwood recently featured in [Police Professional](#) where he talked about the IOPC, our role, the improvements we've made and how we're working with police forces.

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

### Regulation 13 updates

Thank you to all forces already providing data for investigations which began on or after 1 February 2020 and are still open more than 12 months later. The collection of this data is still in its infancy but is already providing insight on delays affecting the timeliness of your investigations.

It is extremely helpful if we are told once an investigation has come to an end and the report has been submitted to the appropriate authority (AA). This allows us to update our records and it also assists with our analysis of the data collected.

Could you please notify us when you close any investigation that started on or after 1 February 2021 that you have already advised us would run longer than 12 months by emailing [Oversight](#).

## New digital evidence management solution for IOPC

Last year we advised we were exploring the possibility of procuring a digital evidence management solution and can now confirm we've been working with [NICE Investigate](#) over the last few months to start a contract with them. This cloud-based solution aims to go live date on 1 June 2021.

We have been in contact with police forces across England and Wales to discuss a memorandum of understanding (MOU) regarding the sharing of digital material. Thank you to those who assisted with this work – we will be working to finalise these MOUs as soon as we can.

We will continue to work with you and hope this work will lead to improved working relations and simpler processes for our staff and yours.

For more information, please contact IOPC Change Manager Rosie Peacock ([rosie.peacock@policeconduct.gov.uk](mailto:rosie.peacock@policeconduct.gov.uk)).

## Recent Information

### 2020/21 Police Complaint Information Bulletins – Quarter 3

The police complaint statistics for quarter 3 of 2020/2021 have recently gone out to all Office for Police and Crime Commissioners (OPCCs) and Professional Standard Departments (PSD). If you have not had sight of these yet please contact your Oversight Liaison for information.



## Common questions from forces and LPBs

**Q: If a complaint of serious assault is made against a police officer that fits the criteria for mandatory referral, but the incident took place before they were serving as an officer, should the matter still be referred?**

A: You first need to consider whether the matter should be recorded as a complaint. A complaint can be made about the conduct of a person serving with the police as long as it concerns matters that occurred while they were serving (including off-duty conduct). If the offence took place before they became a serving police officer, then the complaint would not be recordable or referable and the person making the complaint should be notified of the decision not to record.

**Q: The appropriate authority (AA) is required to notify the IOPC and the LPB of any complaint, conduct or DSI matter, recorded after 1 February 2020, that is still open after 12 months. We have a few that are not subject to local investigation but the delay is due to court or other investigation matters. Do we need to report on these as well as the ones that are subject to investigation?**

A: No. Regulation 13 of the Police [Complaints and Misconduct] Regulations 2020] concerns the timeliness of investigations only. It places a duty on the AA to notify the IOPC and the relevant LPB of any complaint, conduct or DSI investigations which has not been completed after the 12-month period. So, there is no legal requirement to notify us of any cases handled other than by investigation.



## Common questions from forces and LPBs cont'd

**Q: Intelligence has identified that an off-duty officer is responsible for racial insults towards a member of the public. There has been no complaint, but the matter is being treated as racially aggravated harassment and is under criminal investigation. It has been recorded as a conduct matter and referred to the IOPC. The mode of investigation has been determined as a local investigation. As the conduct matter is linked to the criminal investigation, can the conduct investigation be held sub judice?**

A: It can, but these decisions should adhere to the legislation and the Home Office's Guidance. Once a matter is recorded, under Schedule 3 of the *Police Reform Act 2002*, the provisions of Part 2 of the legislation apply; this includes any regulations that outline the procedures to be followed under Part 2. Regulation 40 of the Police [Complaints and Misconduct] Regulations provides the AA with the power to suspend an investigation or other procedure that in its opinion would, if it were to continue, prejudice any criminal investigation or proceedings.

However, this decision should not delay the investigation process. Where it is determined that prejudice to the outcome of the criminal case would result, then this decision shall be kept under regular review to avoid any unreasonable delay to the misconduct proceedings. If there is any doubt, then advice should be sought from the Crown Prosecution Service or other relevant prosecuting authority.

This is underlined by the 2020 Home Office Guidance, which makes it clear that there is a presumption that misconduct proceedings should go ahead *before* criminal proceedings. This should be the usual procedure. AAs who propose to depart from this must be able to demonstrate that going ahead with the misconduct proceedings *would* cause prejudice to the criminal proceedings. This is a high threshold.

Where potential prejudice is identified, the proceedings under the conduct regulations will proceed as normal up until the referral of a case to misconduct proceedings or an accelerated misconduct hearing. The matter will be investigated under the relevant regime and the investigation report submitted. The AA will then decide whether there is a case to answer for misconduct or gross misconduct or neither.