

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

### **IOPC report flags concerns about police use of Taser**

The use of Tasers by police risks losing its legitimacy in the eyes of the public if community concerns are not addressed through improvements to national guidance, training and scrutiny of Taser use the Independent Office for Police Conduct (IOPC) warned today.

The warning follows this publication of a review of 101 independent investigations carried out by the IOPC between 2015 and 2020 which involved a Taser being used.

The review looked at existing data and research, and considered the views of a range of community groups and other stakeholders.

The report makes 17 recommendations – to the College of Policing, the National Police Chiefs' Council, the Association of Police and Crime Commissioners, and the Home Office – seeking improvements to national guidance and training; scrutiny and monitoring of Taser use; and data and research.

Commenting on the findings, IOPC Director General Michael Lockwood said: “There is no doubt that Tasers are a valuable tool for keeping both the public and police safe in dangerous circumstances.

“However, it is important there is ongoing independent scrutiny of Taser use so that both the police and the community can be assured they are being used appropriately. Clearer national guidance on the circumstances in which Taser should and should not be used and better training will improve officer safety, as well as give the public reassurance that Taser is being used only when absolutely necessary.

“Police forces must be able to justify to the public the circumstances in which Taser is deployed, particularly when children and vulnerable people are involved. Forces must also respond to the disproportionate use of Tasers against Black people.”

The review highlighted concerns about the number of cases – almost a third – where we identified potential missed opportunities to de-escalate the situation. There were also concerns around prolonged and multiple Taser discharges from our review.

Mr Lockwood said: “Tasers are available to more officers than ever before. Our engagement with communities has highlighted a stark difference between their expectations about when a Taser should be used, and the situations in which Taser can be used under current national guidance, particularly on those who are vulnerable. Police forces must be able to explain this clearly or risk further eroding public confidence – it is a gap which must be closed.

“In particular, people from Black, Asian and Minority ethnic backgrounds deserve a clear and transparent answer from police on why such disproportionality still exists – failure to address this risks undermining the legitimacy of policing.

“We'd like to see communities more involved in decisions around the use of Taser - Police and crime commissioners have an important role to play providing this assurance at a local level.

“I welcome the research announced in December last year by the National Police Chiefs' Council and the College of Policing to understand and tackle the root

#### In this issue:

- Corporate News
- Reviews practitioner Workshop
- Reflective practice project
- Complaints handlers workshop
- Recent Information
- Common questions

causes of racial disproportionality in police use of Taser. I am also aware of the positive and proactive work being undertaken by the National Taser Stakeholder Advisory Group in this area. The College of Policing's new conflict management guidelines and the proposed training are also welcome and are steps in the right direction.

“Ultimately, policing has to change and be more responsive to community concern or risk losing legitimacy in the eyes of the public. These recommendations now sit with policing bodies and forces to act on.”

Our investigation looked at 101 independent investigations, which involved:

- 108 people subjected to Taser use: 94 of them had a Taser discharged against them.
- Of those people, 71% were White, 22% were Black, less than 4% were Asian and less than 2% were of mixed ethnicity.
- The average age was 35 years old. Six people were aged under 18.
- 26 investigations led to a finding that an officer may have behaved in a manner that would justify bringing disciplinary proceedings or a referral to the Crown Prosecution Service.
- Four inquests found the use of Taser in combination with other factors contributed to, or were relevant in, a person's death.
- One case resulted in a criminal trial where an officer was convicted of unlawful manslaughter.

### **Super complaint finds police should change approach to using protective measures to safeguard women and girls**

The police do not always use protective measures effectively to safeguard women and girls, despite evidence of dedicated officers working to protect victims, the latest super complaint report has found.

A police super-complaint, submitted by the Centre for Women's Justice, raised concerns that the police are failing to use protective measures – such as pre-charge bail with conditions and restraining orders – in cases involving violence against women and girls.

The report said a common theme from police forces where there was good practice was support from a legal team. However, the report also said there was a lack of understanding within police forces over how and when to use protective measures, which means support for victims is sometimes not good enough – and could lead to women and girls being harmed, or victims being less likely to report crime in the future.

The report made several recommendations, including that:

- Chief Constables should ensure their officers understand all the protective measures available
- the Home Office and Ministry of Justice should intensify and accelerate their consideration of creating a bespoke offence of breaching pre-charge bail, and
- the Home Office and Ministry of Justice should review and improve the way the police are told about non-molestation orders

You can read the [full media release and report on the HMICFRS website](#).

### **Latest news**

[Former West Mercia Police officer convicted](#) of causing death by careless driving

[Hampshire detective found guilty](#) of forging murder trial witness statement

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

[Investigation into a fatal collision](#) that resulted in four deaths in Kingswinford, West Midlands

[Investigation into Devon and Cornwall police](#) and certification of a shotgun used in Plymouth shooting

[Inquest into the death of a man in Streatham](#) found that the Met officers had acted appropriately

[Learning recommendations](#) on allocation of priority reports and management of incidents accepted by South Yorkshire Police

[Learning recommendation to remind call handlers to check all systems](#) before making a risk assessment accepted by Cheshire Constabulary

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 released on our website](#).

## Reviews practitioner workshop - responses extended to 10 Sept

We recently invited all Local Policing Bodies (LPBs) to our reviews practitioner workshops in October 2021. These are an opportunity for you to discuss your experiences of reviews and share ideas and learning among peers in a supportive environment. Responses were due by 2 September 2021. **Invited review practitioners who would like to attend should respond by Friday, 10 September 2021.**

## Reflective practice project - seeking your views

We recently wrote to local policing bodies about a project looking into the use of reflective practice one year on since its launch. We asked for your views on how it is being implemented in the force area you are responsible for. Thank you to everyone that has responded so far. If you would still like to contribute your views, please send your feedback to [Oversight](#) by Friday, 10 September 2021.

## Complaints handlers workshops

We are looking to run a series of regional in-person workshops for complaint handlers around February and March 2022. These will be based upon insights and learning that will be of value to complaints handlers from the projects we have planned for the coming months. You will receive more information on these in the autumn.

## Recent information

### Update on complaints data

On 20 August, we sent an update on our progress with the 2020/21 complaints data and to confirm our plans for requesting the 2021/22 data. While we have made significant progress in resolving the technical issues, further anomalies were identified which we are now working to correct. Rather than continue to delay publication of all data, we intend to publish a limited annual complaints report in October using the data that we are fully confident in.

As soon as we have resolved all of the remaining issues with our systems we will share the 2020/21 complaints bulletins. This will be done as soon as possible and is not dependent on the timing of the annual complaints work above. We will collect the 2021/22 Q1 and Q2 data at the same time rather than making separate requests.

If your force has not received this communication, please email [Oversight](#) and let us know.

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## Common questions from forces and LPBs

**Q. Who is the appropriate authority (AA) for a complaint about the current chief officer where the complaint is about something which occurred before they became chief officer?**

A. The AA for any complaint is determined using the date that the complaint was made, not the date of the alleged conduct. Therefore, for allegations about the conduct of a current chief officer, prior to becoming a chief officer, the AA is the LPB. The LPB is also the AA for allegations about retired chief officers.

**Q: A complainant has alleged that the PCC is perverting the course of justice following a review decision. Does that need to be recorded and referred to the IOPC?**

A. This depends upon the nature of the complaint. If the complaint is solely expressing dissatisfaction with the review decision, the complainant should be advised that the decision cannot be revisited and they should seek legal advice on their options. If, however, the complaint is about the conduct of the reviewer, then it will need to be handled in accordance with normal complaints procedures.

If a complaint is recorded, the referral threshold is covered in [Focus Issue 9](#). It also provides guidance on what to do with allegations of perverting the course of justice. Although the language refers to police officers, the principles still apply. The guidance suggests assessing whether the substance of the complaint actually suggests that there was a deliberate action taken. There has to be a clear demonstration that the action has perverted, or would pervert, the course of public justice.

**Q. When a person loses consciousness in custody, is there a specific amount of time they need to be unconscious before it has to be referred to the IOPC as a death or serious injury (DSI)?**

A. No. A loss of consciousness of any duration constitutes a significant impairment of a person's functional abilities and therefore meets the criteria of a serious injury. [Focus Issue 9](#) on referrals specifically addresses a loss of consciousness, stating:

"Serious injuries are those where there is a significant impairment, either temporary or permanent, to a person's functional abilities.

This can either be:

- physical, for example, broken arm, deep cut or laceration, ruptured spleen, or loss of consciousness, or
- mental, for example, personality change, memory loss or epilepsy, as a result of brain injury"

Case study six of the same issue, also features a loss of consciousness.