

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

### Public feel confident police respond fairly and proportionately to incidents, but questions remain around use of stop and search

Research we commissioned last year showed that while most people believe the UK police respond in a fair and proportionate way when dealing with the public on incidents, it also suggests nearly half of those surveyed think stop and search is either not applied as it should be or is unnecessary.

The majority of those surveyed (72%) think that UK police respond in a fair and proportionate way when dealing with incidents that involve members of the public.

However, when asked specifically about use of stop and search, confidence levels fluctuated. While 80% of the people surveyed think stop and search is necessary, nearly half (49%) think the tactic is either not applied as it should be or is unnecessary.

You can read the [full media release and findings](#) on our website. IOPC lead on discrimination Sal Naseem explores the [different themes raised by this research in a blog](#) on our website.

### Investigation into Greater Manchester Police custody death concludes

A man was arrested at a house on suspicion of assault and taken to Cheadle Heath custody suite in May 2019. The man became ill a short time later while in custody. An ambulance was called and he was taken to hospital where he sadly died.

Our investigation – which concluded in January 2020 - looked at the contact between GMP and the man that morning. We examined the actions of the officers and staff, including the medical care provided, and analysed CCTV and body worn video footage. Our investigation found no indication the officers or staff involved in the arrest of the man had committed a criminal offence or had a case to answer for misconduct. Read the full [media release](#)

### National learning recommendation accepted following fatal shooting of Anthony Grainger

[Our national learning recommendation](#) to ensure steps are taken to prevent armed police officers from using out-of-date information and intelligence when they take part in firearms operations was accepted by the National Police Chiefs' Council. This recommendation follows our investigation into the fatal shooting of Anthony Grainger in Culcheth in 2012.

We recommended that if a Tactical Firearms Commander or Operational Firearms Commander becomes aware that an officer's exposure to prior information or intelligence may adversely influence their assessment of threat and risk, they should take steps to address the issue. This should include considering whether the officer should take any further part in the operation. Read the full [media release](#).

### 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 news](#)

#### In this issue:

- Corporate News
- Recent Information
- Pre-1 February complaints
- Delaying misconduct proceedings
- Undercover Policing Inquiry
- Updates to Focus
- Common questions

## Recent information

### New 7.1 referral form for chief officer referrals

Police and crime commissioners (PCCs) are asked to use our new referral form (7.1) when submitting a referral involving a chief officer to the IOPC. The new form has been updated to make the information needed and steps clearer that PCCs should take before submitting a referral.

The form been updated to address common questions the IOPC Assessment Unit has when they are determining the mode of investigation for chief officer referrals (or the Deputy Commissioner of the Metropolitan Police Service). A copy of the referral form is attached to the cover email for this newsletter.

### Oversight survey

Thank you to those who completed our stakeholder survey, and took the time to tell us their views. We are currently analysing the survey responses and will share information about the results soon.

### Pre-1 February 2020 complaints

We are asking forces to send us an update on how many complaints they received before 1 February 2020 that are yet to be concluded. While there is no requirement to send us an update, it will provide us with helpful insights into the demands these older complaints make and are yet to make across the complaints system.

We would be grateful if you could send your update to [oversight@policeconduct.gov.uk](mailto:oversight@policeconduct.gov.uk) by Friday 16 April 2021.

### Delaying misconduct proceedings for criminal cases

Misconduct proceedings can be suspended where it is considered that continuing would prejudice any criminal proceedings under Regulation 10 Police (Conduct) Regulations 2020. However, this Regulation is not automatically engaged whenever criminal proceedings are expected. Regulation 10(2) requires that the appropriate authority (AA) decides whether any misconduct proceedings or an accelerated misconduct hearing would prejudice any criminal proceedings. This is a higher threshold than 'could' or 'may' prejudice criminal proceedings and it requires more than inconvenience or difficulty. The AA's decision should critically assess whether a fair trial can take place without delaying misconduct proceedings. Where the threshold for prejudice is not met, misconduct proceedings must take place before or in parallel with the criminal case.

The [Home Office Guidance](#) (sections 7.81 – 7.87) advises that outstanding criminal proceedings against an officer should not normally delay misconduct proceedings and in cases of doubt, you should seek advice from the CPS. The decision on which proceedings take precedence is for the AA, however, the IOPC has a role in scrutinising the rationale for these decisions. Due to this and given current concerns about the impact of wider delays in the criminal justice system, we may ask more questions and look for reassurance on cases where misconduct proceedings have been suspended.

### Undercover Policing Inquiry

The Undercover Policing Inquiry was set up in 2015 to get to the truth about undercover policing across England and Wales since 1968 and provide recommendations for the future.

You can find out more information about its purpose, schedule and progress on the [Undercover Policing Inquiry website](#).

## Updates to Focus issue 9—Referrals

We are updating the Focus issue on referrals to reflect the 2020 legislative changes. The updated version will be published on [our website](#) in the next few months.



## Common questions from forces and LPBs

**Q: If a force is investigating a complaint or conduct matter on behalf of another force and the investigation exceeds 12 months, which force(s) should provide a 12-month notification letter?**

A: The AA responsible for notifying the IOPC and local policing body that an investigation has exceeded 12 months. Therefore, the force that is the AA for the complaint/conduct matter should send the notification, not the force that is assisting with the investigation.