

FOI Disclosures March 2021

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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.

Ref 1008989 Back to top	<u>Deaths in or following police custody investigations</u>
<u>Request</u>	<ol style="list-style-type: none">1. <i>Can you provide the age profiles (as was done on page 14 of your most recent annual report) of the deaths in custody investigations under your remit. There is public data available on the number of deaths in custody every financial year. I would like to see how each of one the cases you investigated fits into your age profiles. For example, of the 18 reported deaths in 2019/20, how many investigations were completed within 0-3, 3-6, 6-9, 9-12, over-12 months or are ongoing. I would like this data to be provided for every financial year starting from 2010/11. Can data for 2020/21 be provided up to date. I would like the data provided in a tabular format.</i>2. <i>Can you provide the number of police officers involved in deaths in custody investigations that you have recommended for disciplinary action e.g misconduct or gross misconduct. Can these numbers be broken down by financial year from 2010/11 to 2020/21(most recent available)”</i>3. <i>“Can you also provide the number of those police officers (in above question) whose disciplinary recommendations have been upheld for each financial year from 2010/11 to 2020/21(most recent available)”</i>
<u>Response</u>	<p><u>Question 1</u> All deaths in or following police custody, must be referred to the IOPC, however not all of these cases require an independent investigation. E.g. of the 18 deaths in 19/20 there were 16 which were investigated by the IOPC.</p> <p>The data below covers the timeframe from 2010/11 to 2019/20. Figures are not yet available for deaths in custody up to 2020/21.</p>

Additionally, please be aware of the following in relation to the data provided:

- 2 of the deaths in 2013/14 were investigated twice, therefore there were 12 investigations into 10 deaths.
- 1 of the deaths in 2016/17 was investigated twice, therefore there were 13 investigations into 12 deaths.
- The relevant fields are highlighted in the table.

		Investigation Age Band									
Count		0 - 3	3 - 6	6 - 9	9 - 12	12 - 15	15 - 18	18 - 21	21 - 24	24+	Grand
Year of Death (Financial Year)	Column1	months	months	months	months	months	months	months	months	months	Total
2010/11		1	3	6	3	1	2				16
2011/12			2	3	3	1					9
2012/13				2	1	2	2			2	9
2013/14		1		2	1	4		1		3	12
2014/15			1	8	1	1	2	1	1	1	16
2015/16			1	3	3	2	1		2	1	13
2016/17				2	3	3	1	1	1	2	13
2017/18		1	3	7	5	6					23
2018/19		1	3	5	2	3	2				16
2019/20		3	11	1	1						16
Grand Total		7	24	39	23	23	10	3	4	10	143

Questions 2 & 3

Work is currently underway to collate data regarding investigation outcomes for publication on our website. The intended publication will report on the number of cases where the final decision was that there was a case to answer (CTA).

An investigator may decide there is a case to answer where in their opinion there is sufficient evidence presented upon which a reasonable tribunal could make a finding of misconduct. The deaths in custody outcomes dataset intended for publication is based on cases finalised before the latest legislative reform (February 2020). The CTA decision reported on is the final CTA after correspondence between us and the Appropriate Authority, considering whether we decided to direct.

The dataset intended for publication is based on closed cases (i.e. those cases where all proceedings including inquests have been completed) and as a result will include deaths that occurred between the time from 2009/10 to 2017/18.

We have assessed whether we are able to provide further datasets to exactly meet the timeframe requirements of your final two questions. However, there would be a considerable level of manual scrutiny of case files required to provide the dataset up to 2019/ 2020. We do not yet have the data on deaths in custody for 2020/2021. We have decided that the activities involved would exceed the cost limit, as prescribed by section 12 of the FOIA and associated regulations, with the result that we would not be obliged to respond.

We consider that the intended future publication will meet most of the requirements of your request. Although we do not have an exact date of publication at this time, we can confirm that the work required is at an advanced stage with publication dates being considered.

Data on deaths in custody that occurred up to 2019/20 will be published on the website when this is available.

Ref
1008966

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Staffing and management of Operation Nori

Request

You asked a series of questions regarding the staffing of the IOPC Birmingham Office and in particular the resources in relation to Operation Nori.

Response

1. The total number of staff employed by the IOPC
1,010
2. The total number of staff employed at the Birmingham office of the IOPC. In relation to the Birmingham office, can the staffing totals be analysed by job title, for example the number of trainee investigators, investigators, lead investigators etc.

Annex A – staff at IOPC Birmingham office

Job Title	Employees
Assessment Analyst	14
Assistant Business Partner	1
Assistant People Business Partner	1
Casework Manager	1
Change Manager	3
Data Protection Officer	1
Equalities Delivery Manager	1
Executive Support Manager	1
Facilities Assistant	1
Facilities Coordinator	1
Facilities Officer	1
Head <u>Of</u> Assessment Unit	1
Head <u>Of</u> Organisational Design, Development	1
Health <u>And</u> Safety Manager	1
<u>Ict</u> Senior Infrastructure Engineer	1
Infrastructure Support Analyst	1
Interim <u>Ict</u> Service Delivery Manager	1
Investigation Support Unit Manager	1
Investigations <u>L&d</u> Delivery Manager	1
Investigations <u>L&d</u> Officer	2
Investigator	21
<u>I&u</u> Team Member	3
<u>I&u</u> Team Member (<u>h&mes</u>)	4
<u>L&d</u> Advisor	1
<u>L&d</u> Consultant	2
Lawyer	3
Lead Investigator	28
Learning <u>And</u> Development Support Officer	2
Legal Admin Assistant	1
Management Support Officer	1
Media Officer	1
<u>Q&dt</u> Support Officer	1
Operations Quality Team Leader	1
Operations Learning & Development Lead	1
Operations Manager	3
Operations Team Leader	8
<u>Q&dt</u> Reader Receiver/support Investigator	1
Oversight Liaison	1
Oversight Officer	2
People Coordinator	1
Project Manager	1
Projects <u>And</u> Planning Officer	1
Quality & Service Improvement Officer	3
Quality Assurance Manager	1

Recruitment Manager	1
Regional Director - Midlands	1
Senior Assessment Analyst	2
Senior Assessment Manager	4
Senior Lawyer	1
Senior Project Manager	1
Senior Stakeholder Engagement Officer	1
Talent & Od Advisor	1
Talent & Organisational Development Officer	1
Talent Acquisition Manager	1
Talent Acquisition Officer	1
Trainee Investigator	2
Trainee Talent & Od Advisor	1
Transcriptionist	2
Typing Manager	1
Grand Total	149

3. *If there is an existing organisational diagram showing the structure and relationship between departments, sections and so forth it will be helpful to have a copy.*

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Directorates and teams

Directorates and teams



Director General
Michael Lockwood



Deputy DG, Operations
Claire Bassett (September 2020)



Deputy DG, Strategy and Corporate Services
Tom Whiting



4. *More specifically, I want to have an understanding of how operation Nori was managed both on a day-to-day basis and strategically. However specifically in relation to operation Nori, can I have confirmation as to how the accountability and management happened in practice Can you describe the lines of accountability and management between the lead investigator and the other management levels?*

5. *Can you confirm that throughout operation Nori, Mr Campbell had the overall responsibility for managing the investigation during the time when you were the IPCC and subsequently as the IOPC*

Mr Campbell made decisions on the investigation as Commissioner and, following the change to the IOPC in January 2018, as Regional Director.

While the Commission was responsible for all functions given to the IPCC under statute or regulations these functions could be delegated in accordance with paragraph 10(5) of Schedule 2 to the Police Reform Act 2002 (PRA) in force at the relevant time. These arrangements were set out in the IPCC Scheme of Delegation, which is [available on The National Archive web site](#). In addition, Schedule 3 of the PRA provides for the designation of operational staff to carry out investigations (see paragraph 19) and previously for certain functions to be carried out by that investigator (see for example paragraph 19B of Schedule 3 of the PRA in force at the relevant time).

The investigation Operation Team Leader (OTL) changed during the course of the investigation for a number of different operational reasons but all OTLs were based at the Birmingham Office. The Operations Manager (OM) changed as a result of the investigation being transferred to our Directorate of Major Investigations (DMI). Chris Mahaffey was an OM in DMI.

There were a number of different mechanisms in place for the OTLs and OM to liaise, including regular update meetings. The OTLs responsibility predominantly related to the day to day business of the investigation. The OM was there for oversight and other strategic considerations.

There were significant changes to the organisation, relevant legislation and delegation arrangements over the course of Operation Nori that complicate the position. If you require any further information about how the investigation was run you should specify the particular activities or decisions that you would like to know more about.

There were various ways in which a subject could be identified. The appropriate authority could record a conduct matter and refer it to the then IPCC, if the relevant criteria were met. Members of IPCC staff could bring matters to the attention of the appropriate authority and ask them to consider recording and referring a conduct matter. The Commissioner, on behalf of the Commission, could also direct that a recordable conduct matter be recorded and referred to it. Please see paragraph 11 of Schedule 3 of the version of the PRA in force at the relevant time. This was before the amendments that led to the Commission being replaced by the IOPC in 2018.

6. *I have a specific question in relation to the role of the lead investigator and the IPCC Commissioner as it was in March 2016. When a lead investigator submitted a "Conduct matter submission during DSI Investigation, was that submission to seek approval for a person to be designated a subject for investigation, or was it merely a submission for the information of the Commissioner? Put another way, did the lead investigator have the authority to designate a person the subject of an investigation, or was that the responsibility of the commissioner?*

The designated investigator in a complaint investigation could certify that investigation as subject to special requirements if it appeared to them that there was an indication that a person to whose conduct the investigation related may have committed a criminal offence or behaved in a manner

	<p>which would justify the bringing of disciplinary proceedings. Please see paragraph 19B of Schedule 3 of the PRA in force at the relevant time.</p> <p>Where a conduct matter was revealed during the investigation of a DSI matter paragraph 21A of Schedule 3 of the PRA provided for the designated investigator to make a submission to the case supervisor on behalf of the Commission. If the case supervisor agreed with the designated investigator then the appropriate authority would be notified and a copy of the submission sent to them.</p> <p>7. <i>I was told that the final report written by the lead investigator Mr Shelton was subject to a “quality assurance” process. Do you have documents or policies that define the “quality assurance process”? If so could I have copies. Where does the “quality assurance” process fit within the management structure? Is there a separate department or structure that undertakes the “quality assurance”?</i></p> <p>Please see attached documents</p> <p>8. <i>Can you provide details of the number of actions that were raised during operation Nori, the number of documents collated and the number of witness statements obtained?</i></p> <p>Actions – 1122 Documents – 2686 Witness statements – 294</p> <p>9. <i>Do you have any service standards that relate to subjects under investigation? If so, could I have a copy.</i></p> <p>Please see the attached documents</p>
<p>Ref 1009032 Back to top</p>	<p><u>Retention of custody CCTV</u></p>
<p><u>Request</u></p>	<p><i>How long are Police required to keep CCTV of a Custody Suite, in the event of a 999 call to ambulance by Police, after a collapse and resuscitation using a defibrillator, by Police, in the Custody Suite and a subsequent complaint by an advocate for the teenager?</i></p>
<p><u>Response</u></p>	<p>The IOPC does not hold this information.</p> <p>Retention of CCTV images is addressed in the <u>College of Policing Authorised Professional Practice</u>. This states:</p> <p><i>Retaining images</i> <i>To comply with <u>section 5.2.5 of the information commissioner’s code of practice for surveillance cameras and personal information</u>, forces must not retain CCTV images longer than is necessary for their intended purpose. It is up to data controllers to decide how long they should retain images, depending on the purpose for collecting them.</i></p>

	<p>Therefore the retention period is likely to differ from force to force and we would suggest it is unlikely that standard retention periods would be defined in reference to any particular type of incident.</p> <p>It should be noted, however, that police forces are under a clear statutory duty to obtain and preserve evidence relating to complaints, conduct matters and Death or Serious Injury matters recorded under the Police Reform Act 2002. Such evidence would be very likely to include CCTV evidence where that is available. Please see our web site for further information about the investigation of police complaints and misconduct.</p> <p>We note that a search of the internet produces information published by a number of police forces relating to CCTV within custody suites, for example: <u>Metropolitan Police</u>, <u>Thames Valley Police</u> and <u>Northamptonshire Police</u>.</p>
<p><u>Ref</u> <u>1009042</u> Back to top</p>	<p align="center"><u>ICT suppliers providing outsourced services</u></p>
<p><u>Request</u></p>	<p><i>Under the Freedom of Information Act I respectfully request that you provide me with a list of ICT suppliers providing outsourced or managed ICT Services to your organisation at the current time.</i></p> <p><i>Please present the information back by email (to this address) detailing for each supplier (where more than one is engaged):</i></p> <ul style="list-style-type: none"> - Name of supplier - Service(s) provided by supplier - Contract Start Date - Contract End Date - Contract Value - Current spend with supplier for provided service(s) (optional) <p><i>In the interests of focusing on suppliers of a material nature it would be acceptable to respond with just those suppliers where annual spend (on any particular service) is in excess of £50,000 per annum.</i></p>
<p><u>Response</u></p>	<p>Contracts awarded over the value of £10,000 are published on '<u>Contract Finder</u>'. Details of contracts awarded by the IOPC can be found via the following links:</p> <p>https://www.contractsfinder.service.gov.uk/Search/Results?page=1#fd04e1c0-f075-475e-b98d-22e0fba578b5 and</p> <p>https://www.contractsfinder.service.gov.uk/Search/Results.</p> <p>Clicking on the individual search results provides the specific details that you requested.</p>

<p><u>Ref</u> <u>1009039</u> Back to top</p>	<p><u>IOPC staff complaints</u></p>
<p><u>Request</u></p>	<p>Please supply the following details for the years 2016 to 2020.</p> <ul style="list-style-type: none"> • Number of Complaints received by the IOPC about members of the IOPC (including employees/contractors) • The nature of those complaints (broad headings etc) • Details broken down as to whether the complainant was a member of the police service (serving or retired, police officer and police staff) <p>Or</p> <ul style="list-style-type: none"> • A member of the public including those acting for a member of the public such as lawyers / organisations. <p>The outcome for each of the above years 2016 to 2020 – method of disposal for each complaint under the relevant category.</p>
<p><u>Response</u></p>	<p>Please see attached an Excel file containing the data you requested.</p> <p>New categories for ‘complainant status’ were introduced on 2 October 2017. Before this date there were fewer, more generalised categories of complainant: ‘public’, ‘fed rep’, ‘solicitor’ ‘MP’ and ‘police’. Under the existing categories ‘public’ is applied only to service users who do not fall into any of the other categories. Examples of ‘public’ include persons who have made an enquiry, sent their police complaint directly to the IOPC or persons who have complained about something we have published.</p> <p>It may also assist you to know that where a ‘decision’ complaint type has been recorded as ‘upheld’ this does not mean that an IOPC case decision has been overturned but only that the complainant has identified a specific aspect of a decision that was incorrect. An example would be an erroneous date or name in a decision letter. As you may know the only way that our case decisions can be challenged is by way of judicial review. The majority of complaints about decisions are recorded as ‘not upheld’ because they are challenges to casework, investigation or referral decisions. While complaints of this type are not considered under our Complaints and Feedback policy (or the previous policy) they are recorded as complaints under our system and are therefore included in the data we are providing.</p>
<p><u>Ref</u> <u>1009057</u> Back to top</p>	<p><u>Police dog biting incident</u></p>
<p><u>Request</u></p>	<p><i>Regarding the police dog biting incident of 14th November 2020, West Midlands police dog Stark, please advise when was an incident report sent to the IOPC and who sent it, and please disclose a copy of the referral so the reported unfolding of the incident can be understood</i></p>
<p><u>Response</u></p>	<p>This information is held by the IOPC. A redacted version of the relevant referral form is included. This was received from West Midlands Police Professional Standards Department.</p> <p>We have decided that you are not entitled to the redacted information because it engages the exemption under section 40(2) of the FOIA, which relates to personal information.</p>

<p><u>Ref</u> <u>1009009</u> Back to top</p>	<p><u>Application to be a Stonewall Diversity Champion</u></p>
<p><u>Request</u></p>	<p><i>You asked a number of questions regarding the IOPC's application to become a Stonewall Diversity Champion</i></p>
<p><u>Response</u></p>	<p>1. Any application you made in 2019 or 2020 to be a “Stonewall Diversity Champion” or to be included on Stonewall’s “Workplace Equality Index,” including any attachments or appendices to those applications. Please redact personal details if necessary.</p> <p>Please see attached documents: Link 1; Link 2; Link 3.</p> <p>2. Any feedback you received in 2019 or 2020 from Stonewall in relation to either application or programme.</p> <p>The IOPC holds information that answers this description. We have decided that you are not entitled to this information because it is exempt under section 43(2) FOIA, which relates to information that would or would be likely to prejudice the commercial interests of any person if disclosed.</p> <p>3. Any other communication you have received from Stonewall in 2019 or 2020 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).</p> <p>Please see the attached documents</p> <p>4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).</p> <p>No EIA was completed.</p> <p>5. Details of the total amount of money you paid to Stonewall (i) in 2019; (ii) in 2020, whether or not as payment for goods or services.</p> <p>We confirm that we have paid fees as follows: £3,000 for the period from 25/06/18-24/06/19 - Diversity Champions Membership (England Membership) £6,000 for the period from 10/09/20-09/09/21 - Stonewall Diversity Champions Membership (including England & Cymru)</p> <p>6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.</p> <p>We intend to continue our membership as a Stonewall Diversity Champion, which is the general membership paid for. The Workplace Equality Index is not an additional membership, but something we can apply for as part of our membership to evidence our commitment to supporting LGBT+ colleagues.</p>

<u>Ref</u> <u>1009089</u> Back to top	<u>Unconscious bias training</u>
<u>Request</u>	<p><i>What recorded information do you hold that is used to identify or assess unconscious bias in your investigations. Including any training documentation</i></p>
<u>Response</u>	<p>In regard to information “used to identify or assess unconscious bias” we would refer you to the following from our response of 12 January 2021.</p> <p><i>There are lines of enquiry which can be used to establish whether unconscious bias may be a factor in a particular case some of which are set out in the Discrimination Guidelines that are available on our website. The guidelines outline how we approach investigating allegations of discrimination including how we would investigate issues or allegations of discriminatory bias and stereotyping informing policing actions – whether that is conscious or unconscious.</i></p> <p><i>The IOPC does not use unconscious bias tests or implicit association tests as part of its investigations.</i></p> <p>Therefore this information is accessible to you on our web site in the form of our Discrimination Guidelines.</p> <p>Our training material for Investigators on unconscious bias is provided by e-learning. We attach the relevant information in the form of two documents, ‘Introduction to the Equality Act and Investigating Discrimination’ and ‘Analysing unconscious bias in Race Discrimination Investigations’.</p> <p>Information has been redacted from pages 8 and 9 of the latter document. This consists of information relating to how we investigate these matters and an investigation which is proceedings related.</p> <p>We have decided that there is no right of access to the information about the investigation mentioned on page 9 because it engages the exemption from the right to know relating to investigations conducted by public authorities (section 30(1)(a)(i)) and because the public interest in maintaining this exemption outweighs the public interest in disclosure.</p>