



Outcomes following IOPC independent investigations

2020/21

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The data in this report covers 1 April 2020 to 31 March 2021. The data may be subject to change as it is taken from a live system. Unless otherwise stated, the figures refer to the outcomes for individual police officers or staff, and not the number of investigations.

Introduction

About the IOPC

The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales. We are independent, and make our decisions independently of the police, government and interest groups.

We investigate the most serious complaints and incidents, including deaths following police contact, and set the standards by which the police should handle complaints. We use learning from our work to influence changes in policing.

Specialist police forces such as the Ministry of Defence Police, Civil Nuclear Constabulary and the British Transport Police also come under our jurisdiction. We also oversee the complaints system for other organisations, such as Her Majesty's Revenue and Customs, the National Crime Agency and the Gangmasters and Labour Abuse Authority. We investigate certain serious complaints and conduct matters about staff from these organisations. We also investigate criminal allegations against police and crime commissioners, their deputies, and contractors working for the police.

Our investigations have a strong focus on why things happened, and what might prevent them happening again. This means looking at training, management support and organisational culture. You can read about the recommendations we make, summaries of our investigations, and our publications on our website – www.policeconduct.gov.uk

About the police complaints and discipline systems

The police discipline system is the responsibility of police forces and is administered by them. Police force professional standards departments (PSDs) deal with the majority of police complaints and allegations of misconduct. Information recorded by force PSDs about the [outcomes of misconduct and criminal investigations is published by the Home Office](#). This includes information relating to IOPC investigations. PSDs must refer the most serious cases to us, regardless of whether someone has made a complaint.

About this report

This report describes the outcomes following IOPC independent investigations between 1 April 2020 and 31 March 2021. The *Police Reform Act 2002*, as amended by the *Police and Crime Act 2017* introduced several reforms to the police complaints and discipline systems. These reforms included changes to the threshold for misconduct and outcomes at disciplinary proceedings for cases where complaints were made, or conduct matters came to the force's attention, after 1 February 2020. Some of the investigations included in this report will have started before this date and will therefore fall under the previous legislation (*Police Reform Act 2002* as amended by the *Police Reform and Social Responsibility Act 2011*). The parts of our processes affected by these changes have been highlighted in the report and both versions of these processes are explained.

The data in this report is presented in two sections: decisions made after our investigations, and the outcomes of misconduct or criminal proceedings.

When we refer to outcomes this means:

- The decision we make about whether someone has a case to answer for misconduct or gross misconduct as a result of our independent investigation. While we consider the views of the appropriate authority about what should happen, we will make the final decision. It is the appropriate authority that carries out any disciplinary action.

The appropriate authority is one of the following:

- the chief officer of the police force (or equivalent)
- the PCC for the police force the complaint is about
- the Mayor's Office for Policing and Crime (if the complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if the complaint is about the Commissioner of the City of London Police)
- the decision to make a referral to the Crown Prosecution Service (CPS) where there is an indication someone may have committed a crime
- the results of misconduct or criminal proceedings that took place in 2020/21

The outcomes of proceedings covered in this report may relate to investigations completed during this period. However, the investigation may have been completed before 2020/21 with the resulting misconduct proceedings taking place during 2020/21. This means investigation outcomes and proceedings figures should not be compared. This is because there can be a significant time lag between the end of our investigation and any misconduct proceedings conducted by appropriate authorities or criminal cases prosecuted by the CPS.

Summary of outcomes

1 April 2020 to 31 March 2021

Decisions following completed investigations



Misconduct and criminal outcomes



About our investigations

In carrying out their duties, police officers and police staff are expected to maintain the highest standards of professional behaviour. These standards are set out in the *Police (Conduct) Regulations 2012* and *Police (Conduct) Regulations 2020* and apply to all police officers and special constables, with equivalents in local policy for police staff.

Allegations that the standards of professional behaviour have been breached could come from a complaint made by a member of the public, or from a concern raised internally within the police force. Forces are also legally required to refer certain matters to us, such as a death or serious injury (DSI) following contact with the police.

When we receive a referral, we make an assessment to decide whether the matter should be investigated by us or referred back to the police force to investigate. Our investigations assess all the available evidence and provide an independent opinion on whether there is a case to answer for misconduct or gross misconduct, or whether someone's performance was unsatisfactory.

At the end of an investigation, we produce a final report. This analyses and summarises the evidence collected. The accompanying decision maker's opinion document sets out our opinion on conduct, performance or learning.

We send our report to the appropriate authority involved and seek their views about whether someone has a case to answer.

If the force does not agree with the opinion set out in our report, we will make a final decision about whether that person has a case to answer. The appropriate authority must comply with this direction.

Under the previous legislation, after listening to why the force disagrees with our opinion, we can take the following steps:

- listen to why the force disagrees a misconduct proceeding should be brought
- recommend the force holds a misconduct proceeding
- then, if necessary, direct the force to hold a misconduct proceeding

The final decision about whether misconduct is proven and what, if any, sanction should apply is made during misconduct proceedings conducted by the force. A misconduct hearing panel has an independent, legally qualified, chair.

Where an inquest is held, we provide our report and evidence to the Coroner. These are considered during the inquest.

If, at the end of our investigation, it is possible a crime may have been committed, we refer the case to the CPS to decide if the evidence satisfies the threshold for legal proceedings. If the CPS decide to charge, it is then for the courts to decide whether the person concerned committed a crime.

An important part of our work involves looking at what caused the situation we investigated, and how this might be prevented in future. We can make recommendations, which range from training, to changes in policy, practice, supervision and safety improvements. Our [Impact report](#) shows how our work is making a difference by influencing improvements in policing practice and reducing future risks. You can read summaries of our investigations and details of the recommendations we make on our website: www.policeconduct.gov.uk/investigations/investigation-summaries-and-learning-recommendations

Decisions following completed investigations

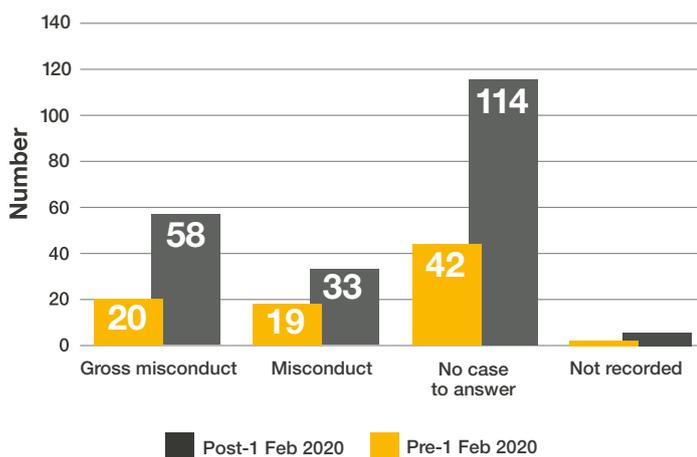
This section summarises decisions made after our investigations are complete.

Decisions about conduct

During 2020/21, we investigated 293 police officers and staff. We found 44% (130) had a case to answer for misconduct or gross misconduct.

We directed the appropriate authority to hold misconduct proceedings in the case of three people.

Figure 1: Case to answer decisions in 2020/21 by relevant legislation



Of the 130 officers/staff who had a case to answer, 52 involved misconduct and 78 gross misconduct.

Our investigations found 156 of the police officers and staff we investigated did not have a case to answer for misconduct or gross misconduct. Further action was taken in response to 47% (73) of these people. This action included management action or advice to improve the conduct of the officer, unsatisfactory performance procedures or a referral to the reflective practice review process.

The case to answer decision is not recorded for seven people.

Referrals to the CPS

We will inform those involved if our investigations find someone may have committed a crime. We explain their legal rights and take steps to obtain their account under criminal caution.

Our investigators obtained accounts from 82 police officers and staff who were under criminal caution during investigations completed in 2020/21.

We pass our report to the CPS if, at the conclusion of our investigation, we think a police officer or member of police staff may have committed a criminal offence. The CPS will decide whether the person should be prosecuted.

We referred 57 people to the CPS following our investigations. The CPS decided to prosecute 25% (14). The CPS has yet to decide about 14 of the people we referred.

We apply a two-part test, set out in paragraph 23, Schedule 3 of the Police Reform Act 2002, when deciding whether to refer a case to the CPS. You can read more about this in our [Statutory Guidance](#). The threshold we work to is different to the higher threshold the CPS works to when it decides whether it is appropriate to prosecute someone.

Misconduct and criminal outcomes

The proceedings referred to in this section took place in 2020/21. Our investigation may have been completed in the same period or before this. We do not decide when proceedings are held; this is decided by the appropriate authority or the CPS. In some cases, proceedings conclude months or years after our investigation has been finalised. This means that investigation outcomes presented in the previous section of this report and the outcomes in this section should not be compared.

For police officers and special constables, misconduct meetings are conducted by a more senior officer appointed by the appropriate authority. Hearings are conducted by a panel chaired by a legally qualified chair appointed by the local policing body.

Figures 2 and 3 describe the various ways in which misconduct outcomes could be reached.

Misconduct proceedings

There are two types of misconduct proceedings:

- For gross misconduct, a misconduct hearing is arranged by the police force (or other authority). The highest level of sanction is dismissal without notice.
- For misconduct, a misconduct meeting is arranged by the police force (or other authority). The highest level of sanction at a misconduct meeting is a final written warning.

Under the previous legislation, in some situations where the appropriate authority decides there is a case to answer for misconduct, management action may be considered instead of misconduct proceedings. Under specific circumstances, a misconduct hearing may be deemed more appropriate than a misconduct meeting. You can read more about these circumstances in our [Statutory Guidance](#).

There are different discipline systems for police officers and police staff. Police officers and special constables are subject to the regulations set out in the Police (Conduct) Regulations 2012 or Police (Conduct) Regulations 2020. Complaints and conduct matters involving staff are covered by individual police force policies.

Figure 2: How misconduct outcomes are reached for conduct matters under the current legislation

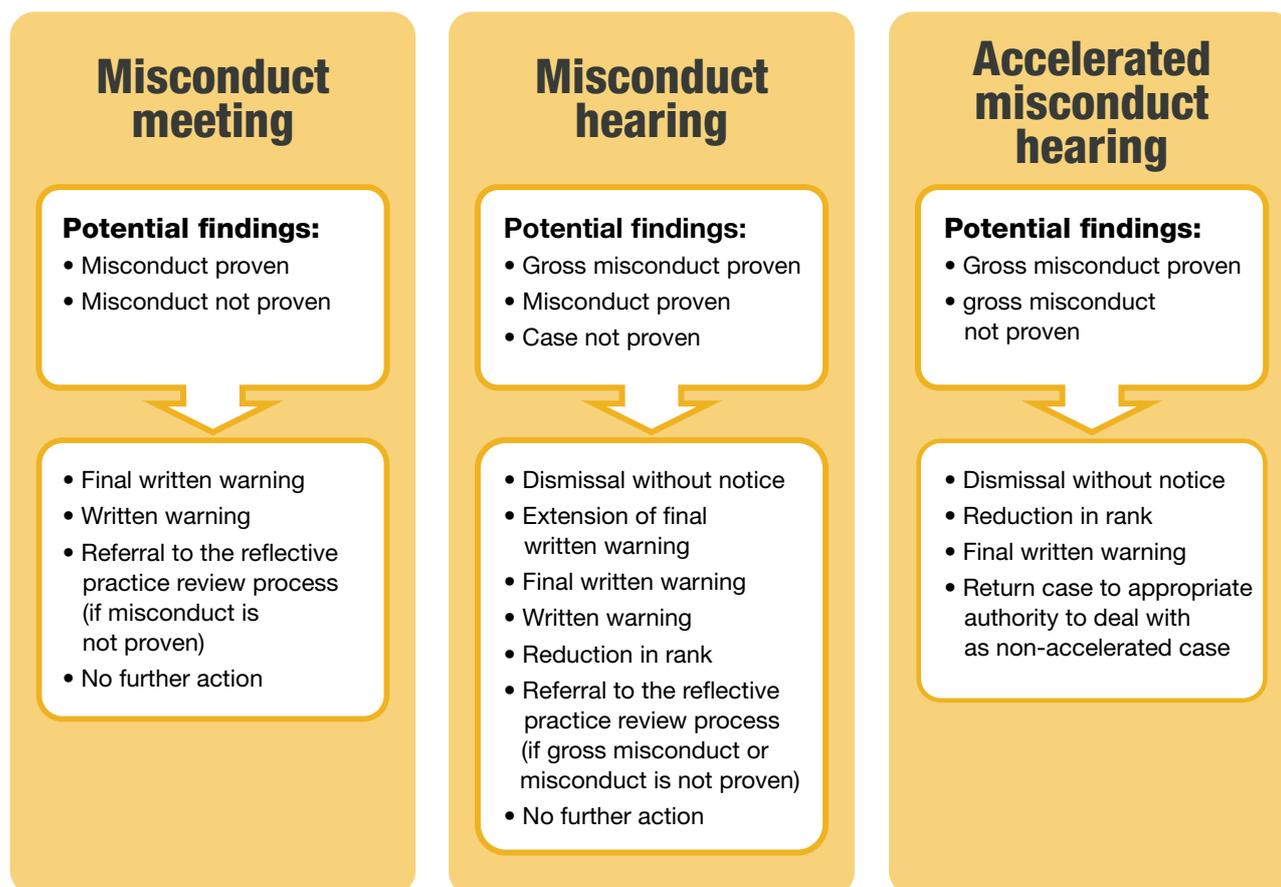
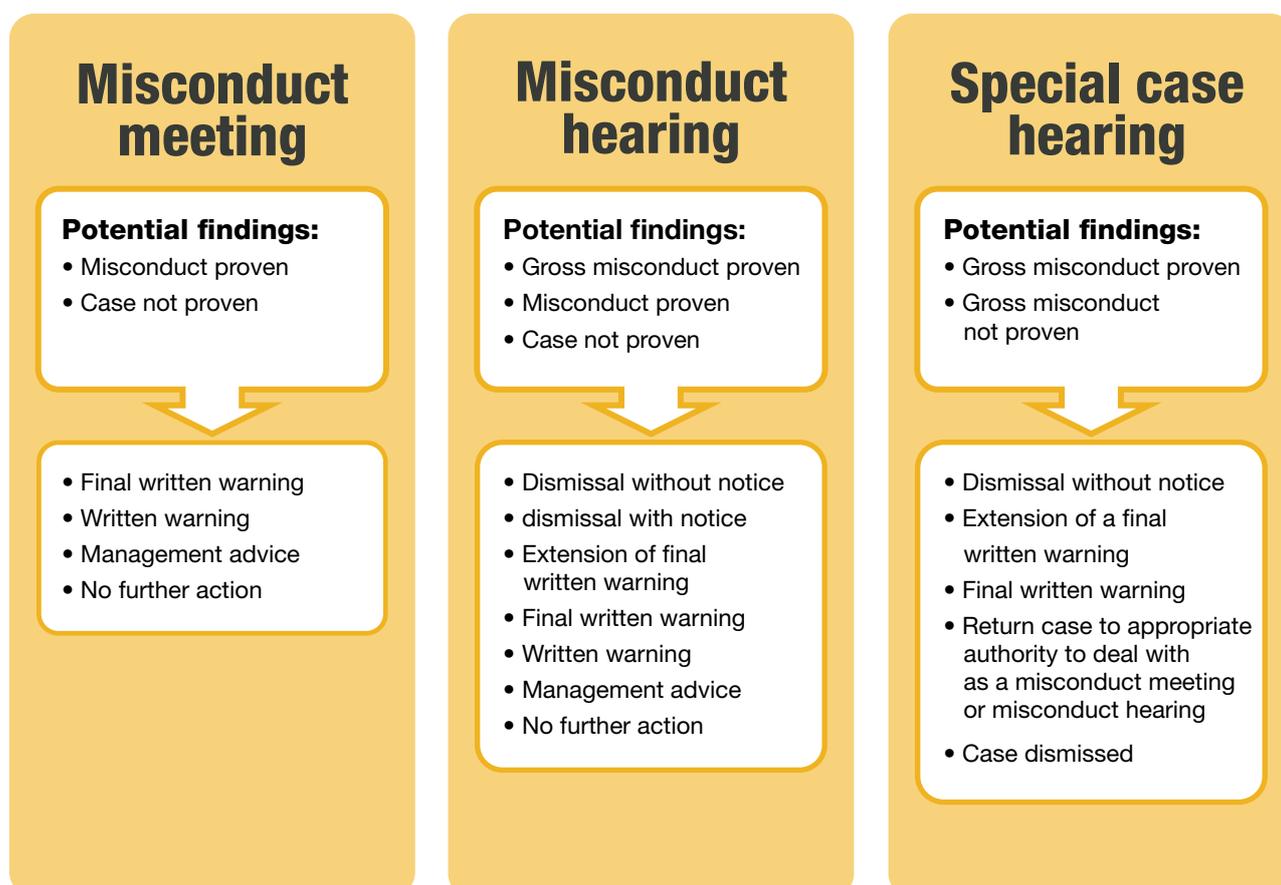


Figure 3: How misconduct outcomes are reached for conduct matters under the previous legislation



In 2020/21, misconduct proceedings were held for 107 police officers/staff. It was found 79% (85) of these officers/staff were proven to have breached the standards of professional behaviour:

- gross misconduct was proven for 44 of officers/staff
- misconduct was proven for 41 officers/staff
- misconduct was not proven for 22 officers/staff

In the 44 proceedings where gross misconduct was proven, disciplinary actions imposed were:

- 25 people were dismissed without notice
- 11 people received a final written warning

Figure 4: Outcomes following misconduct proceedings 2020/21

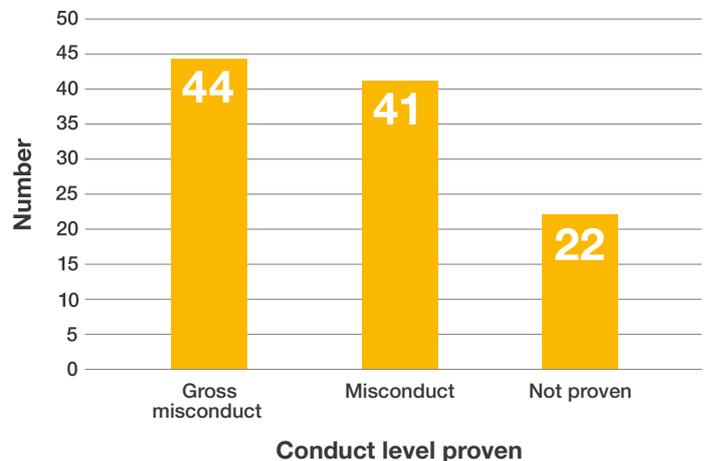
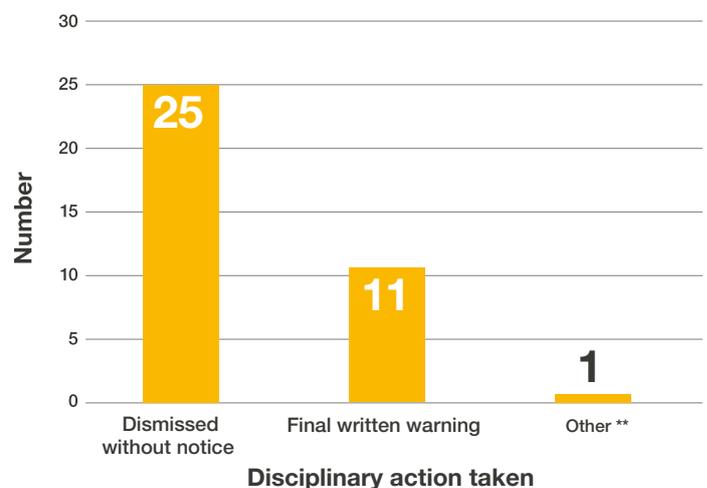


Figure 5: Disciplinary actions following misconduct proceedings where gross misconduct was proven 2020/21*



* Please note figures five and six do not include officers/staff who retired or resigned before the proceeding. Although misconduct (or gross misconduct) may be proven at a misconduct hearing for officers who resigned/retired after December 2017, subsequent disciplinary action is not recorded. Therefore, figures may differ from the total misconduct reported.

** Please refer to figure two for more information on 'other' disciplinary actions.

In 41 proceedings, misconduct was proven:

- seven people received a final written warning
- 20 people received a written warning
- eight people received management advice
- five people received no further action

Of the proceedings held in 2020/21, we directed appropriate authorities to hold them for eight police officers and staff. In five of these cases, the proceedings we directed found those involved had breached the standards of professional behaviour.

- Two proceedings proved gross misconduct, where both people received final written warnings.
- Three proceedings proved misconduct, where one person received a written warning and no further action was taken in regards to two people.

Figure 6: Disciplinary actions following misconduct proceedings where misconduct was proven 2020/21*



* Please note figures five and six do not include officers/staff who retired or resigned before the proceeding. Although misconduct (or gross misconduct) may be proven at a misconduct hearing for officers who resigned/retired after December 2017, subsequent disciplinary action is not recorded. Therefore, figures may differ from the total misconduct reported.

** Please refer to figure two for more information on 'other' disciplinary actions.

Criminal proceedings

The fact that criminal proceedings took place during 2020/21 does not necessarily mean the associated IOPC investigation was completed within the same period.

In 2020/21, the CPS brought criminal proceedings against five police officers and three staff members following an IOPC investigation. These proceedings resulted in six guilty verdicts or pleas (figure seven) and two not guilty verdicts (figure eight).

Where the verdict (or plea) was guilty:

- three people received a custodial sentence
- one person received a six month suspended sentence and was sentenced to community service
- one was sentenced to community service
- one was ordered to pay a fine

Figure 7: Table of offences – guilty verdicts 2020/21

Offence charged	Number
Computer misuse and data protection offences	1
Data protection offences	1
Misconduct in a public office	3
Obtaining personal data without consent; unlawful data processing	1

Figure 8: Table of offences – not guilty verdicts 2020/21

Offence charged	Number
Assault occasioning actual bodily harm	1
Communicating a grossly offensive image	1

Annexes

Annex A: glossary

Appropriate authority – the appropriate authority is one of the following:

- the chief officer of the police force
- the police and crime commissioner for the police force the complaint is about
- the Mayor's Office for Policing and Crime (if the complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if the complaint is about the Commissioner of the City of London police)

Conduct – refers to the way someone behaves and the way they treat others. For example, it can include things they say or do not say and their decisions. Police officers and staff must behave in a way that meets professional standards.

Conduct matter – situations where there is an indication a person serving with the police may have committed a crime or behaved in a manner that would justify disciplinary proceedings.

Disciplinary action – happens at the end of misconduct proceedings and can include the following:

- (a) management advice
- (b) a written warning
- (c) a final written warning
- (d) an existing final written warning being extended
- (e) dismissal with notice
- (f) dismissal without notice

Gross misconduct – a breach of the standards of professional behaviour that is so serious that dismissal would be justified.

Management action – steps taken by a manager to improve performance or manage the behaviour of a member of staff. It is an opportunity to learn and improve. It addresses performance and conduct in a timely, proportionate and effective way. Management action is not a formal disciplinary outcome.

Management advice – refers to situations when management action is imposed as a formal disciplinary outcome following misconduct proceedings or an appeal meeting.

Misconduct – a breach of the standards of professional behaviour so serious as to justify disciplinary proceedings.

Misconduct hearing – held to deal with misconduct and can impose disciplinary action up to and including dismissal.

Misconduct meeting – held to deal with misconduct and can impose disciplinary action up to and including a final written warning.

Misconduct proceedings – for a member of a police force or a special constable, misconduct proceedings means a misconduct meeting or a misconduct hearing. For a member of police staff, misconduct proceedings means any proceedings or management process that considers their conduct (as opposed to their performance) in order to decide whether their conduct warrants a sanction.

Reflective Practice Review Process - RPRP

focuses on putting an issue right and preventing it from happening again by encouraging those involved to reflect on their actions and learn from them. It is not a disciplinary process or a disciplinary outcome.

Unsatisfactory performance procedures

– a series of steps used to improve someone's performance. It is used when a person was unable or failed to perform their role to a satisfactory level but did not breach the Standards of Professional Behaviour.

Written warning – written warnings may be given when a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual's personal file.

Final written warning – a final written warning is given when a previous written warning has not been effective or where a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual's personal file.

Annex B: data considerations

Outcomes following IOPC investigations are recorded on a bespoke database, which includes the outcomes for individual police officers/staff who have been the subject of an investigation. A single investigation may consider the conduct of multiple people. The figures in this report refer to the outcomes for individual police officers/staff and not the number of investigations (unless otherwise stated).

The data in this report is live. It may be subject to change and may reflect errors with data entry and processing.

The IOPC is committed to improving and reviewing the quality of our data. As data quality improves, there may be variance with figures reported previously.

This report covers 1 April 2020 to 31 March 2021. The investigations covered in this report may have been completed during this period. However, they may have been completed before 2020/21 with the resulting misconduct proceedings taking place during 2020/21. This means investigation outcomes and proceedings figures should not be compared.

This report does not constitute official statistics as defined in the *Statistics and Registration Service Act 2007*.

To find out more about our work or to request this report in an alternative format, you can contact us in a number of ways:

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We welcome telephone calls in Welsh
Rydym yn croesawu galwadau ffôn yn y Gymraeg

December 2021

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