

## FOI Disclosures July 2025

### Index

This month we have responded to questions relating to the following topics:

- [IOPC Handling of stalking and harassment cases](#)
- [Investigation involving CC Scott Chilton](#)
- [Advice to forces re: recording and suspension of complaints](#)
- [IOPC investigation involving Jason Hogg](#)
- [Investigation regarding injuries to a S136 female patient during transportation to a MH facility](#)

If you require a full copy of any of the embedded attachments, please contact [Requestinfo@policeconduct.gov.uk](mailto:Requestinfo@policeconduct.gov.uk) quoting the reference number from the relevant response.

| <b><u>Ref</u></b><br><b><u>5025542</u></b><br><a href="#"><u>Back to top</u></a> | <b><u>IOPC Handling of stalking and harassment cases</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b><u>Request</u></b>                                                            | <p><i>I am seeking data and documentation held by the Independent Office for Police Conduct (IOPC) in relation to police conduct and oversight of the handling of stalking and harassment cases.</i></p> <p><i>Please provide the following information for the period 2018 to 2024:</i></p> <hr/> <p><i>1. Misidentification of Victims</i></p> <p><i>The number of complaints, referrals, or investigations involving cases where a person was wrongfully arrested or treated as the suspect, but was later found to be the victim in a stalking or harassment case.</i></p> <p><i>Where available, please provide a breakdown by:</i></p> <ul style="list-style-type: none"><li>○ <i>Gender, including cases where misogyny may have been a motivating factor.</i></li><li>○ <i>Sexual orientation, particularly cases involving homophobic abuse.</i></li><li>○ <i>Mental health conditions or neurodivergent diagnoses (e.g., bipolar disorder, PTSD, autism).</i></li><li>○ <i>Race or ethnicity.</i></li><li>○ <i>Intersectional combinations of the above protected characteristics.</i></li></ul> <hr/> <p><i>2. Community Resolutions in Stalking and Harassment</i></p> <p><i>The number of cases involving complaints or referrals to the IOPC regarding the use or misuse of Community Resolutions in stalking or harassment allegations.</i></p> <ul style="list-style-type: none"><li>• <i>Specifically, where:</i></li><li>• <i>The Community Resolution was applied without informing or gaining</i></li></ul> |

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|                        | <p><i>the consent of the victim.</i></p> <ul style="list-style-type: none"> <li>• <i>It was inappropriately used, such as when applied to the actual victim or where the victim was misled into thinking it would offer protection.</i></li> <li>• <i>The use of the Community Resolution was subsequently overturned, challenged, or criticised in misconduct outcomes.</i></li> </ul> <hr/> <p><i>3. Investigatory Outcomes or Thematic Reports</i></p> <ul style="list-style-type: none"> <li>• <i>Any summary reports, learning outcomes, or policy recommendations issued compiled by the IOPC in response to:</i> <ul style="list-style-type: none"> <li>○ <i>Police misidentification of victims in stalking/harassment cases.</i></li> <li>○ <i>The application of Community Resolutions in such cases, especially involving vulnerable or marginalised groups.</i></li> <li>○ <i>Broader patterns of failure or concern relating to out-of-court disposals in this context.</i></li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b><u>Response</u></b> | <p>Most police complaint and misconduct cases are dealt with by the police without any IOPC involvement. Only when we investigate a complaint, conduct matter or death or serious injury matter, or carry out a review of a police investigation, would we be likely to hold sufficient information about the case to be able to provide the type of data that you require.</p> <p>Referrals to the IOPC would not provide a reliable source for this data because they only contain the information available at the time the referral is made. In most of these cases it would not be possible to identify with any degree of confidence whether they involved the very specific matters in which you are interested.</p> <p>Under parts 1 and 2 of your request you are seeking the numbers of cases in this six-year period that meet these very specific criteria. The IOPC has not carried out any research aimed at identifying all the stalking and harassment cases from amongst the reviews and investigations it has started in this or any other period. Therefore, compliance with our FOIA duties would necessarily involve, as a starting point, finding all the cases that could potentially be relevant to your request.</p> <p>We could not rely on an automated search of our case data to identify cases relating to stalking and harassment, meaning that we would have to carry out manual searches to identify the cases that may be within scope.</p> <p>Section 12 of the FOIA allows the IOPC to refuse a request when the estimated cost of carrying out certain activities exceeds £450, or 18 hours at £25 per hour. We have estimated that carrying out the searches required by parts 1 and 2 of your request would exceed the cost limit under section 12 of the FOIA, with the result that we are not obliged to comply.</p> <p>From 1 January 2018 to 31 December 2024, the IOPC completed 6,192 investigation reviews and appeals and 3,999 investigations.</p> <p>This means that we would exceed the cost limit unless we could confirm in under 10 seconds in each case whether the matter could be classified as relating to</p> |

stalking and/or harassment and whether the case involved a misidentification or community resolution.

Drawing on our experience of carrying out similar searches for the purposes of IOPC research projects and FOI requests, we estimate that it would take an average of well over 10 minutes per case to determine whether it involved a matter falling within the category of stalking and harassment and then to decide whether it fell within the terms of your request and, if it did, to extract the required data. This means that even if we were to focus our searches only on our investigation cases completed in this period the work involved in finding relevant cases would still exceed 18 hours by a very significant margin.

We find, therefore, that the cost limit under section 12 of the FOIA is engaged by these parts of your request.

Regarding part 3 of your request, we confirm that the IOPC has not produced any reports, learning outcomes or policy recommendations under the terms of your request.

The following information sources may be of interest to you:

- Super-complaint report: [The police response to stalking - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services | His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)
- [Review of IOPC cases involving stalking | Independent Office for Police Conduct \(IOPC\)](#)
- IOPC statement on super-complaint investigation: [Changes needed to ensure stalking victims get the right response from police | Independent Office for Police Conduct \(IOPC\)](#)
- [Qualitative research into victims' experiences of reporting stalking to the police and subsequent police actions \(Plain text\) | Independent Office for Police Conduct \(IOPC\)](#)
- [The police response to stalking - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services | His Majesty's Inspectorate of Constabulary and Fire & Rescue Services](#)

These publications include some content relevant to stalking and harassment:

- [Focus - Issue 23 - Violence against women and girls | Independent Office for Police Conduct \(IOPC\)](#)

[Learning the Lessons issue 45 - violence against women and girls | Independent Office for Police Conduct \(IOPC\)](#)

Colleagues who have carried out work in this area, including the persons who led on the super-complaint investigation, believe that there would be no or very few IOPC investigation cases that relate to the matters in your request.

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|                                                                                      | <p>In considering your request we have revisited the 50 IOPC investigation and review cases involving stalking that were reviewed under the super-complaint investigation and find that these do not include any clear instances of victim misidentification. In one case a complainant alleged that they had been wrongly accused and charged with a crime when they believed they were the victim. However, there were allegations and counter allegations between the two parties, and as the complainant was not treated as a stalking suspect this does not fall under part 1 of your request.</p> <p>We believe that this illustrates the difficulties of carrying out the research required by your request when it may sometimes be arguable either way from the available evidence as to whether the victim was in fact misidentified as a perpetrator. We would anticipate similar problems under other parts of your request, for example, in deciding whether a community resolution was “inappropriately used”. Determining whether a case does or does not meet the criteria in your request would therefore add very significantly to the time it would take to complete the activities that can be considered under the FOIA cost limit.</p> <p>None of the 50 investigations and reviews considered under the super-complaint investigation appear to have involved a community resolution. This may be because community resolutions were not used in the cases that we reviewed, or that community resolutions were not amongst the issues we considered when carrying out the IOPC investigation or review. However, community resolution was not one of the matters we flagged and recorded in the case review records that we created under the super complaint.</p> <p>We have carried out key word searches of our <a href="#">investigation summaries web page</a> and our <a href="#">archived website on the Gov.UK web archive search tool</a>. While these produce a number of cases involving stalking and harassment, the key words ‘community resolution’ and ‘misidentification’ do not appear to produce any relevant results. However, you may wish to carry out your own searches of these online sources using these or other key words.</p> <p>To search the IOPC archived website you should enter <a href="http://www.policeconduct.gov.uk">www.policeconduct.gov.uk</a> into the ‘only within this website’ box on the web archive search page.</p> |
| <p><b><u>Ref</u></b><br/> <b><u>5025561</u></b><br/> <a href="#">Back to top</a></p> | <p><b><u>Investigation involving CC Scott Chilton</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b><u>Request</u></b></p>                                                         | <p><i>In relation to your statement regarding Chief Constable Scott Chilton - <a href="#">IOPC statement regarding investigation into Hampshire and Isle of Wight Chief Constable Scott Chilton   Independent Office for Police Conduct (IOPC)</a>:</i></p> <p><i>Please will you make public the names and ranks of the officers involved with the former Chief Constable in 'workplace relationships'?</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b><u>Response</u></b></p>                                                        | <p>We have considered your request under the Freedom of Information Act (FOIA) and this letter sets out our response.</p> <p>We hold this information but are refusing to provide it because it is exempt under section 40(2) of the FOIA. This is because:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|                                                             | <ul style="list-style-type: none"> <li>Information identifying the persons in these workplace relationships is clearly their 'personal data', meaning that we cannot comply with your request unless this is permitted by the data protection principles.</li> <li>Compliance would contravene the data protection principles because there is no lawful basis for disclosure.</li> </ul> <p>In reference to section 17(4) of the FOIA, we are not obliged to provide further reasons because this would involve the disclosure of information which would itself be exempt information.</p>                                                                                                                                                                                                                                                                                                                                                                             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| <b>Ref</b><br><b>5025567</b><br><a href="#">Back to top</a> | <b><u>Advice to forces re: recording and suspension of complaints</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                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| <b><u>Request</u></b>                                       | <p><i>For the last four years, please supply all requests for advice from, and advice given to Devon and Cornwall Constabulary or Dorset Police, including dates requested and given and the police force involved on the following topics:</i></p> <p><i>1) suspension of complaint investigations</i><br/> <i>2) obligation to record complaints under schedule three of the Police Reform Act 2002 when requested by the complainant.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         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| <b><u>Response</u></b>                                      | <p>There are no specific requests for advice that meet the scope of your request.</p> <p>Whilst not specific to Devon and Cornwall Constabulary or Dorset Police, the following national guidance has been shared and is available to all forces, as well as the public by way of articles contained within our force bulletin 'Focus' and our Oversight Newsletters.</p> <div> <div> <p><b>REQUEST:</b> advice requested by, or given to Devon and Cornwall Police and Dorset Police only regarding:</p> <p>1) suspension of complaint investigations</p> <p>2) obligation to record complaints under schedule three of the Police Reform Act 2002 when requested by the complainant</p> <p><b>Guidance relating to the suspension of complaint investigations</b></p> <p><a href="#">Chapter 16: Statutory guidance - 2020   Independent Office for Police Conduct (IOPC)</a></p> <p><a href="#">Focus 12 - Data capture: logging a complaint</a></p> <ul style="list-style-type: none"> <li>Page 17, reference to the suspension of a complaint as a potential reason for recording multiple complaints/splitting a complaint.</li> <li>Page 21, Regulation 41 discontinuance for complaints handled under Schedule 3 – this should be used where an investigation has previously been suspended because, were it to continue, it would prejudice any criminal investigation or criminal proceedings.</li> <li>Page 23, case study 27 refers to a complaint being suspended due to an ongoing criminal investigation and proceedings.</li> </ul> <p><a href="#">Focus 13 – Handling complaints – decisions and thresholds</a></p> <ul style="list-style-type: none"> <li>Page 20, reference to considering splitting a complaint because some of the allegations require suspension because of associated proceedings.</li> </ul> <p><a href="#">Focus 18 - Reviews</a></p> <ul style="list-style-type: none"> <li>Page 7, in the context of what a review can consider when it appears some of the original complaint has not been addressed, there is reference to suspended/shaded enquiries because the appropriate authority believes to continue looking at those particular allegations would prejudice criminal investigations or proceedings.</li> <li>Page 8, case study 7 provides an example of a complaint that is split (allegations recorded separately) as one allegations was suspended on the basis that any handling of that allegation could prejudice the criminal proceedings being pursued against the complainant.</li> </ul> </div> <div> <p><a href="#">January 2023 newsletter article</a></p> <p><b>The power to suspend the investigation or other handling of a complaint</b></p> <p>Following the question last month about the power to suspend investigations or other handling of a complaint, we thought it worthwhile to send a reminder of when the power to suspend a complaint should be exercised. In the last few months, our Casework teams saw several cases which were suspended but no specific, identified prejudice was provided or rationale for why the prejudice would be significant to back up the reason for the complaint to be suspended. This has led us to direct the police force to continue the complaint handling. Chapter 15 of the IOPC Statutory Guidance gives a comprehensive overview of the considerations that should be made when suspending a complaint, including at paragraph 15.2 where it states there needs to be a specific, identified prejudice and that the prejudice should be significant. It states where continuing the investigation or other handling would, if it were to continue, prejudice any criminal or other proceedings. Our bold emphasis here on the word 'would' in conjunction with a specific, identified and significant prejudice highlights that this is a high threshold to reach. Even when this high threshold is met, the use of the power to suspend is still discretionary. Forces should consider getting the views of the CPS or their own legal department about whether continuing the investigation or handling would prejudice any criminal or other proceedings. Forces should also consider whether any steps short of suspension can be taken to mitigate the prejudice. The complaint handler should document the reason for the decision to suspend the complaint and inform the complainant of this reason. If the complainant makes representations to have the decision to suspend considered, please send the IOPC the detailed reasons for the suspension.</p> <p><a href="#">December 2024 newsletter question</a></p> <p><b>Q: Can a complaint only be suspended if the complainant is subject of any criminal investigation or proceedings?</b></p> <p>A: No. An appropriate authority may suspend an investigation or other procedure that in its opinion would, if it were to continue, prejudice any criminal investigation or proceedings. This is not restricted to a criminal investigation or proceedings involving the subject of the complaint. For example, a person who has witnessed an incident or been adversely affected by a matter that is being considered criminally, could make a complaint about this and not necessarily be the subject of the criminal investigation. Similarly, a victim of crime may make a complaint about how their report of a criminal offence is being criminally investigated, which might result in the decision to suspend the complaint. Chapter 15 of the IOPC Statutory guidance gives more information on what considerations form part of the decision on whether to suspend an investigation or other procedure, including the process for notifying the complainant of the reason for the decision. Where a complainant objects to the suspension of the investigation or other handling, they should also be informed that</p> </div> </div> |

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|                                                                                      | <p>they may ask the IOPC to consider whether to direct that the investigation or other handling continue.</p> <p><a href="#">July 2023 newsletter</a></p> <p><b>Q: Is there a requirement for all complaints that are suspended under Regulation 41 to be dealt with inside of Schedule 3 of the Police Reform Act 2002? It seems somewhat disproportionate to bring cases inside Schedule 3 simply because they are suspended when clearly, they are complaints that could be dealt with outside Schedule 3 once the case becomes 'live'.</b></p> <p>A: Whilst there is no explicit guidance about this, dealing with such complaints inside Schedule 3 is appropriate as these cases are not able to be completed in a timely manner. The IOPC's Statutory Guidance confirms that if, at any point, it appears to the complaint handler that remedying the matter to the complainant's satisfaction cannot be achieved in a timely manner or without substantial additional steps being taken, this is likely to indicate the matter should be recorded. Suspending a complaint due to the appropriate authority reaching the opinion that it would prejudice a criminal investigation or criminal proceedings, and that this prejudice is specific and significant, affects timeliness and may indicate that, upon resumption, more detailed enquiries are needed to inform the outcome. The principles of handling outside schedule 3 are that resolution is quick and more immediate. Focus 13 Handling complaints – decisions and thresholds includes examples of reasons for when complaints initially assessed as suitable for handling outside of Schedule 3 need handling under Schedule 3.</p> <p><a href="#">April 2023 newsletter question</a></p> <p><b>Q: One strand of a multiple-allegation complaint needs to be suspended as it is linked to a criminal investigation. However, the complainant has asked us to suspend the entire complaint. Are we required to follow the wishes of the complainant?</b></p> <p>A: You do not have to suspend a complaint on the request of a complainant. However, it is worthwhile working with the complainant to help them understand any approach you decide to take. You may wish to discuss the matter with the complainant to understand the reasons for their request and their concerns about proceeding with the other strands of the complaint. You could also begin any lines of enquiry but wait before deciding on any findings. Alternatively, if the strand of the complaint that requires suspension is very different to the other strands, you may consider splitting the complaint.</p> <p><a href="#">May 2023 newsletter question –</a></p> <p><b>Q: We are dealing with a complaint against the Chief Constable which was recorded, referred to the IOPC and returned to us to handle. We want to investigate the complaint, however the force is dealing with</b></p> <p><b>a related complaint which is currently suspended because of an ongoing criminal investigation. Do we need to wait for the criminal investigation to conclude before we can investigate the complaint against the Chief Constable?</b></p> <p>A: Possibly. While the force has made the decision to suspend an investigation, this does not automatically mean that a related complaint against the Chief Constable needs to be treated in the same way. This decision is based on several factors:</p> <ul style="list-style-type: none"> <li>- the nature of the complaint against the Chief Constable and whether it is intrinsically linked to the suspended complaint, or if the scope of the complaint against the Chief Constable has a different focus, and</li> <li>- whether investigating the complaint against the Chief Constable would prejudice the criminal investigation or proceedings</li> </ul> <p>When deciding whether to suspend your investigation, you will need to identify the specific prejudice. You should consider the extent to which the matter raises issues that are the same as, or closely connected with, the issues in the ongoing criminal investigation or proceedings, and what prejudice (if any) would be caused to the ongoing criminal investigation or proceedings by the investigation. You will need to consider if the complaint investigation can be progressed without any prejudice, and if it can, then it should be progressed. The local policing body should consider liaising with the force and/or the CPS to help with its determination.</p> <p><a href="#">Operational Advice Note on timeliness reporting</a></p> <ul style="list-style-type: none"> <li>• Pages 2-3 provide guidance on providing a good quality explanation when reporting on the timeliness of an investigation that has been suspended.</li> <li>• Pages 6 and 7 confirm that timeliness reports are required for investigations that have been suspended.</li> </ul> <p><b>Guidance relating to the obligation to record complaints under schedule three of the Police Reform Act 2002 when requested by the complainant.</b></p> <p>Chapter 6, Statutory guidance - 2020   Independent Office for Police Conduct (IOPC)</p> <p><a href="#">Focus 12 - Data capture: logging a complaint</a></p> <ul style="list-style-type: none"> <li>• Page 15, reference to recording a complaint under Schedule 3 because the complainant wishes it to be recorded.</li> <li>• Page 16, scenario B in case study 20 provides an example of how to log the reason for recording a complaint when it is recorded because the complainant had requested it from the outset.</li> </ul> <p><b>Focus 13 – Handling complaint – decisions and thresholds</b></p> <ul style="list-style-type: none"> <li>• Pages 11 – 13 provide guidance and case studies on when a complaint must be recorded under Schedule 3 of the Police Reform Act 2002, including recording a complaint at the request of the complainant.</li> </ul> <p><b>Focus 16 – Handling allegations about the chief officer</b></p> <ul style="list-style-type: none"> <li>• Page 10, reference to the recording criteria for complaints being set out in the IOPC Statutory Guidance and states that "An eligible complainant can request that their complaint is formally recorded under Schedule 3 at any time during the handling of their complaint. In addition, if they are dissatisfied with the outcome of any initial handling, and want the complaint to be recorded, then it must be recorded under Schedule 3".</li> </ul> <p><b>Focus 23 – Violence against women and girls</b></p> <ul style="list-style-type: none"> <li>• Page 12, reference to recording because the complainant wants their complaint to be recorded.</li> </ul> <p>We have searched our case management system and IOPC website for evidence of IOPC organisational learning recommendations issued to either Devon and Cornwall or Dorset from 01 June 2021 to 30 June 2025 using Paragraph 28A and Section 10 (1) (e) recommendation powers. However we have not identified any IOPC organisational learning recommendations issued to either force relating to suspension of complaint investigations or the obligation to record complaints under Schedule 3 of the PRA 2002 when requested by the complainant, based on the searches available to us.</p> |
| <p><b><u>Ref</u></b><br/> <b><u>5025586</u></b><br/> <a href="#">Back to top</a></p> | <p><b><u>IOPC investigation involving Jason Hogg</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    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| <p><b><u>Request</u></b></p>                                                         | <p>You asked a number of questions regarding the IOPC investigation involving Jason Hogg.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   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| <p><b><u>Response</u></b></p>                                                        | <p><i>Q1 Did the IOPC advise the Police Crime Commissioner Matthew Barber that Jason Hogg was under investigation before the public announcement made in January 2025?</i></p> <p>Answer: Yes</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               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*Q2 If the IOPC did advise the PCC of their investigation into Jason Hogg what was the date Matthew Barber was notified?*

Answer: April 2023

*Q3 If the IOPC did not advise the PCC of either of their investigations into Jason Hogg before the public announcement made in January 2025 - why was this?*

Answer: Please see response to previous question.

*Q4 Is there a formal process/legislation/policy etc on what the IOPC must do when investigating a Deputy Chief Constable/Chief Constable?*

*(Please share this legislation with me or direct me to the relevant information via weblinks).*

Answer: The legislation relating to the investigation of police complaints, conduct matters and Death or Serious Injury matters is contained in Part 2 and Schedule 3 [Police Reform Act 2002](#) and [The Police \(Complaints and Misconduct\) Regulations 2020](#). Most of this relates to all police officers regardless of rank. Guidance on the legislation and procedure applicable to Chief Officers is contained in 'Annex A: Supplementary guidance on handling matters about the actions of chief officers', in our [Statutory guidance - 2020 | Independent Office for Police Conduct \(IOPC\)](#). This includes links to the relevant legislation.

The [Independent Review of the Independent Office for Police Conduct](#) includes a description of how the IOPC carries out its investigations with links to legislation.

Information about decision making in IOPC investigations is contained in the 'About our investigations' section of our [Investigation outcomes reports | Independent Office for Police Conduct \(IOPC\)](#)

Information about police complaints investigations is also available in Chapter 13 of our Statutory Guidance.

*Q5 Why has it taken the IOPC over 4 years to conduct its investigations (managed then independent) yet still not have an outcome?*

Answer: Our independent investigation started in 2023. We cannot meaningfully account for the duration of this investigation without disclosing significant details of our enquiries. As the investigation is still in progress, such information would attract the exemptions from the general right of access under section 30 (investigations conducted by public authorities) and section 40 (personal information).

*Q6 When does the IOPC anticipate it will complete its independent investigation into Jason Hogg?*

Answer: There are still open lines of enquiry, but we are hoping for a conclusion in late Autumn.

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|                                                                                      | <p><i>Q7 What date did the MANAGED investigation commence and what date was Matthew Barber made aware the IOPC were directing a managed investigation?</i></p> <p>Answer: The decision to carry out a managed investigation was communicated by the IOPC to the Appropriate Authority on 22 January 2021. This was not communicated directly to the PCC and we do not know when the PCC was briefed internally about the decision. Therefore you should contact the PCC's office for this information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b><u>Ref</u></b><br/> <b><u>5025610</u></b><br/> <a href="#">Back to top</a></p> | <p><b><u>Investigation regarding injuries to a S136 female patient during transportation to a MH facility</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b><u>Request</u></b></p>                                                         | <p><i>You requested information relating to an investigation from August 2021 involving a S136 female patient being injured after stepping out of an ambulance whilst being transported to mental health facility.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b><u>Response</u></b></p>                                                        | <p>We have decided that you are not entitled to the full investigation report because it is exempt under section 40 of the FOIA.</p> <p>Section 40(2) of the FOIA applies to personal data about someone other than the requester when disclosure would breach any of the data protection principles contained in Article 5 of the GDPR. The relevant principle in this case requires personal data to be processed lawfully, fairly and in a transparent manner.</p> <p>Some of the personal information includes 'special category data' as defined under Article 9 of the GDPR. Such data is by its very nature more sensitive and subject to additional processing conditions to safeguard the data and heightened levels of intrusion into an individual's private life. As well as meeting a lawful basis under Article 6 of the GDPR, it must also meet an Article 9 condition. In our view none of the conditions under articles 6 or 9 of the GDPR would support disclosure of this personal data and any legitimate interest in disclosure at this time could not justify the invasion of privacy and potential distress that would be likely to result.</p> <p>Without a lawful basis, disclosure of this information under the FOIA is unlawful.</p> <p>We can however provide the following summary of the investigation which we consider proportionately meets the public interest in our work relating to this case:</p> |

Between 7 and 17 August a number of incidents were reported to the police regarding the declining mental health of a woman, however no offences were identified and it was not considered she was eligible to be sectioned under the Mental Health Act at the material time. On 17 August the woman was found to be behaving erratically and was sectioned, whilst being transported to hospital with a police officer she opened the rear doors of the ambulance and fell out whilst the vehicle was in motion. She sustained serious and life changing injuries.

The IOPC investigation reviewed a large volume of evidence relating to incident logs, calls to the police, decision making of officers and police staff, as well as engaging two Subject Matter Experts to provide evidence in regard to policing procedures.

We carefully considered whether there were any learning opportunities arising from the investigation. We make recommendations to improve policing and public confidence in the police complaints system, and prevent a recurrence of similar incidents.

In this case we identified areas for improvement regarding training and safeguarding within the force control room and training regarding the transportation of patients sectioned under the *Mental Health Act*.

We have conducted a sampling redaction exercise on the investigation report to establish whether it would be feasible to redact the exempt information; however we found that the level of required redaction to remove personal data, including special category would result in such heavy editing as to render the remaining contents too difficult to follow.

Whilst we understand the perception that disclosure of the full investigation report would enable the public to see how the investigation had been carried out, we consider that the legitimate interest in this case is met provision of the summary and disclosure of a further heavily redacted document is neither reasonable, proportionate nor necessary.