



Outcomes following IOPC independent investigations

2022/23

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The data in this report covers 1 April 2022 to 31 March 2023. This report has been republished following a review and cleanse of our data. That activity has resulted in some changes to the numbers contained in the first edition of this report. The figures refer to the outcomes for individual police officers or staff and not the number of investigations, unless otherwise stated.

Introduction

About the IOPC

The Independent Office for Police Conduct is the police complaints watchdog. We are not the police and are completely independent of them.

We set the standards for the police complaints system. We make sure the police are investigating complaints about them properly. We also investigate the most serious and sensitive incidents involving the police ourselves.

Through our work, we hold the police to account when things go wrong, recommend changes to prevent the same mistakes happening again and promote high standards of policing. We use our evidence to drive improvements in police practices for the benefit of the public and the police. This will help achieve our vision for everyone to be able to have trust and confidence 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. 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 decisions following IOPC independent investigations, and any misconduct or criminal proceedings held, between 1 April 2022 and 31 March 2023.

The *Police Reform Act 2002*, as amended by the *Policing 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 started before this date and will therefore fall under the previous legislation.

For some forces, the *Policing and Crime Act 2017* amendments did not apply. Therefore, investigations relating to them still fell under the previous legislation after 1 February 2020. Some of these forces have updated their legislation in line with the new amendments.

Whether these investigations come under the previous or current legislation depends on the date on which their updated legislation came into

force, as well as the date a complaint was made/ the date the conduct matter came to the force's attention. The parts of our processes affected by these changes have been highlighted in this 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 after our independent investigation. We will make the final decision, although we will consider the views of the appropriate authority about what should happen. The appropriate authority will carry out any disciplinary action.

The appropriate authority can be:

- the chief officer of the police force (or equivalent)
- the Police and Crime Commissioner (PCC), or their equivalent, for the police force the complaint is made against
- 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 2022/23

The outcomes of proceedings covered in this report may relate to investigations completed during this period. However, they may have been completed before 2022/23 with the resulting misconduct proceedings taking place during 2022/23. This means investigation outcomes and proceedings figures should not be compared. There can be a significant time lag between the end of our investigation, any misconduct proceedings conducted by appropriate authorities, or criminal cases prosecuted by the CPS.

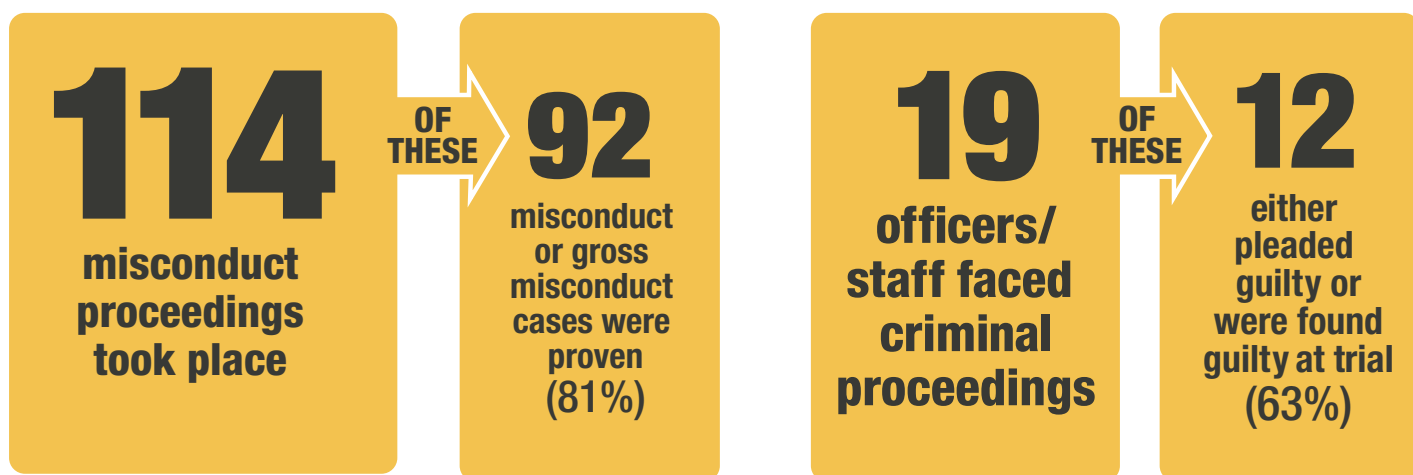
Summary of outcomes

1 April 2022 to 31 March 2023

Decisions following completed investigations



Misconduct and criminal outcomes



* This figure differs from the 313 completed investigations quoted in other reports, such as the annual report. This is because the data in this report is from a live system.

** Three investigations related to PCCs which, despite not involving conduct investigations, do contain criminal investigations and are thus included here for convenience.

About our investigations

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

Allegations that 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 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 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.

We produce a final report at the end of an investigation. 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 and seek their views about whether someone has a case to answer.

If the force does not agree with the opinion in our report, the next steps we take depend on the relevant legislation:

- Under the current legislation, the force can disagree with our assessment but we will make a final decision about whether that person has a case to answer. The appropriate authority must comply with this.

- Under the previous legislation we can:
 - listen to why the force disagrees that a misconduct proceeding should be held
 - recommend the force holds a misconduct proceeding if we do not agree with the force
 - direct the force to hold a misconduct proceeding should they disagree with the recommendation

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.

We give our report and evidence to the coroner where an inquest is held. These are considered during the inquest.

We will refer the case to the CPS if, at the end of our investigation, it is possible a crime may have been committed. The CPS will decide if the evidence satisfies the threshold for legal proceedings. If the CPS decide to charge, the courts will decide whether the person has 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. These range from training, to changes in policy, practice, supervision and safety improvements.

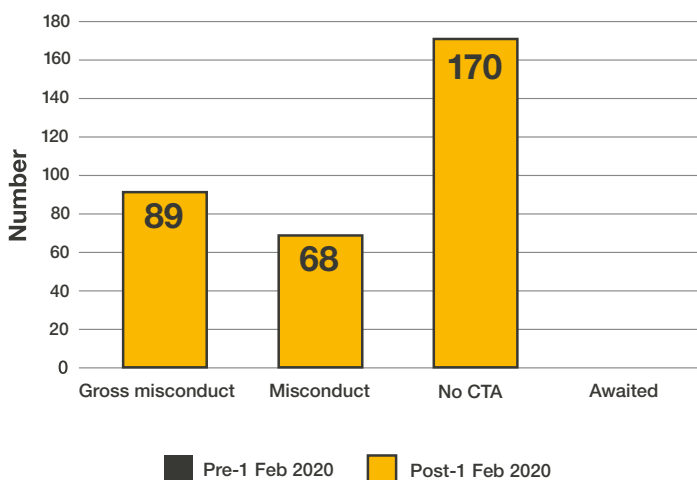
Our [Impact report](#) shows how our work makes a difference by influencing improvements in policing practice and reducing future risks. You can read summaries of our investigations and details of the recommendations we make on our website: [Investigation summaries and learning recommendations](#).

Decisions following completed investigations

Decisions about conduct

We investigated 330 police officers and staff during 2022/23. We found 48% (157) had a case to answer for misconduct or gross misconduct.

Figure 1: Case to answer decisions in 2022/23



Of the 157 officers/staff who had a case to answer, 68 involved misconduct and 89 involved gross misconduct.

Our investigations found 170 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 49% (82) of these people. This included management action or advice to improve the conduct of the officer, unsatisfactory performance procedures or a referral to the reflective practice review process.

In some of the matters we investigate, we are trying to establish whether the individual has committed a criminal offence. The legislation does not allow us to investigate any allegations of misconduct relating to PCCs and other elected policing bodies. Three individuals fell into that category this financial year.

Referrals to the CPS

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

Our investigators took accounts from 100 police officers and staff who were under criminal caution during investigations completed in 2022/23. This happened in 78 investigations.

We only pass our report to the CPS if, at the end 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 56 people to the CPS following our investigations. The CPS decided to prosecute 27% (15). Decisions to refer a case to the CPS, or the CPS deciding to prosecute, may still be pending for some investigations completed in 2022/23. They do not appear in this report.

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 to prosecute someone.

Misconduct and criminal outcomes

The proceedings in this section took place in 2022/23. 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. Proceedings can conclude months or years after our investigation has finished. 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 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 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

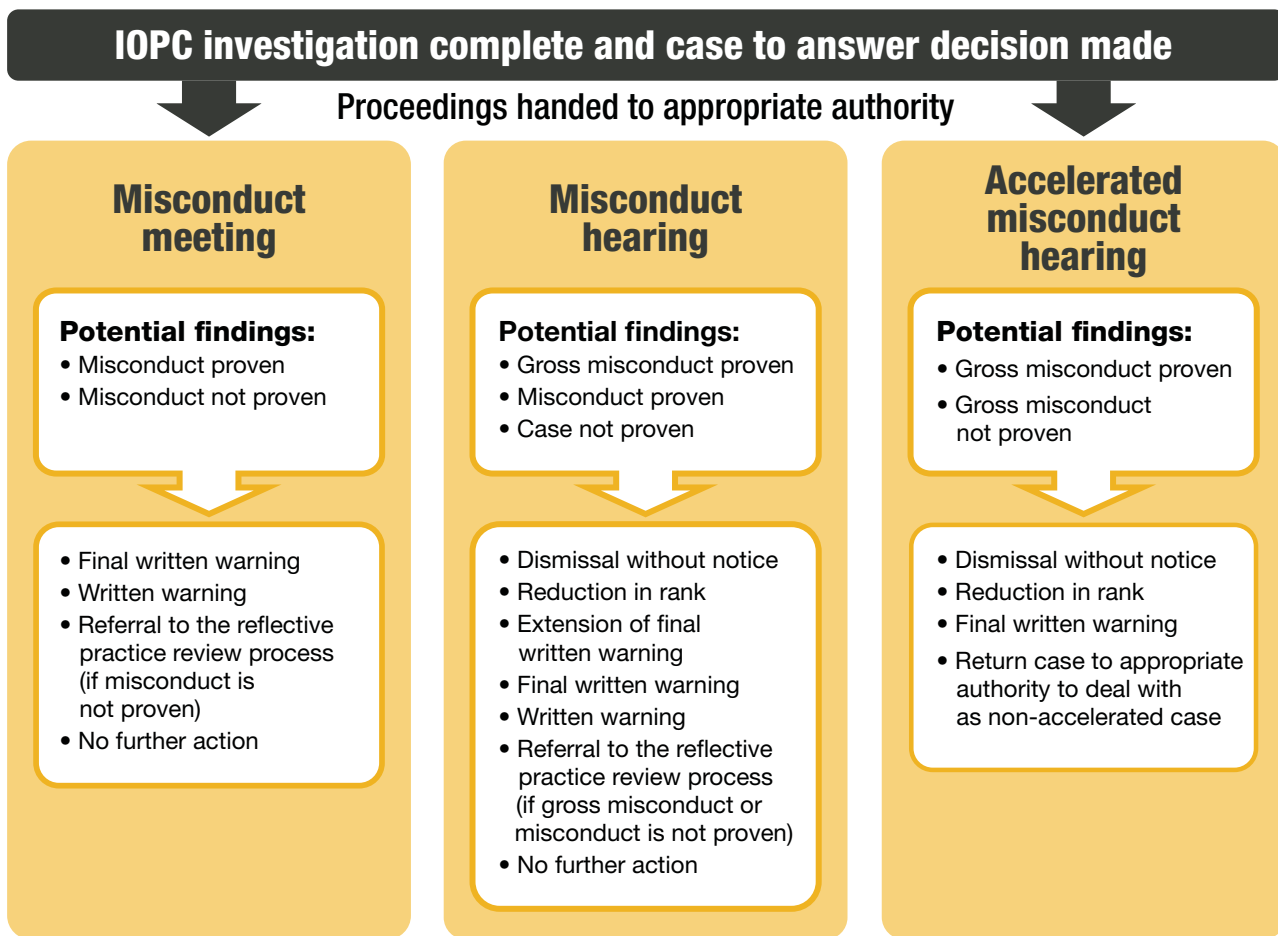
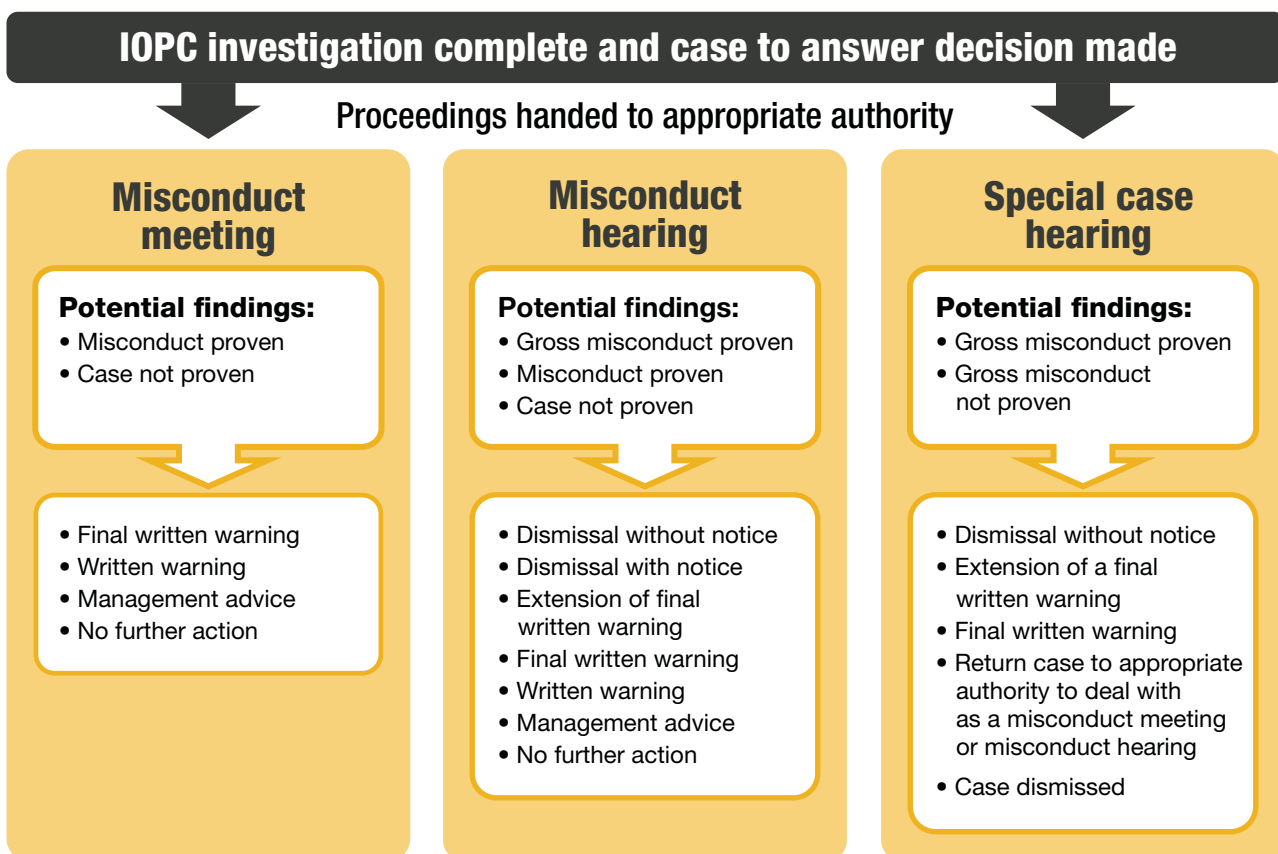


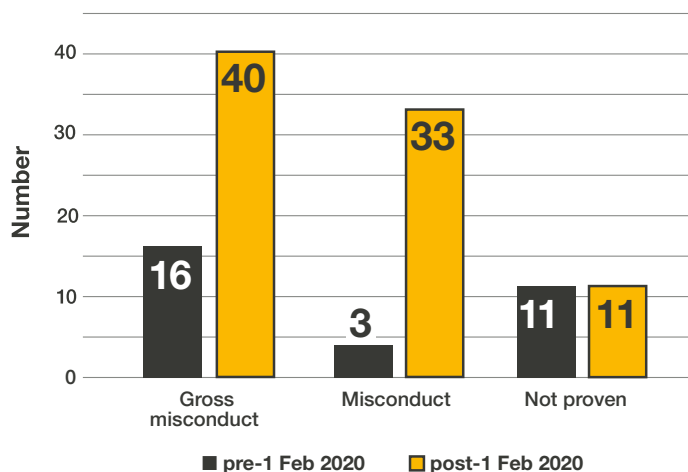
Figure 3: How misconduct outcomes are reached for conduct matters under the previous legislation



Misconduct proceedings were held for 114 police officers/staff in 2022/23. It was found that 81% (92) of these officers/staff breached the standards of professional behaviour:

- gross misconduct was proven for 56 officers/staff
- misconduct was proven for 36 officers/staff
- misconduct was not proven for 22 officers/staff

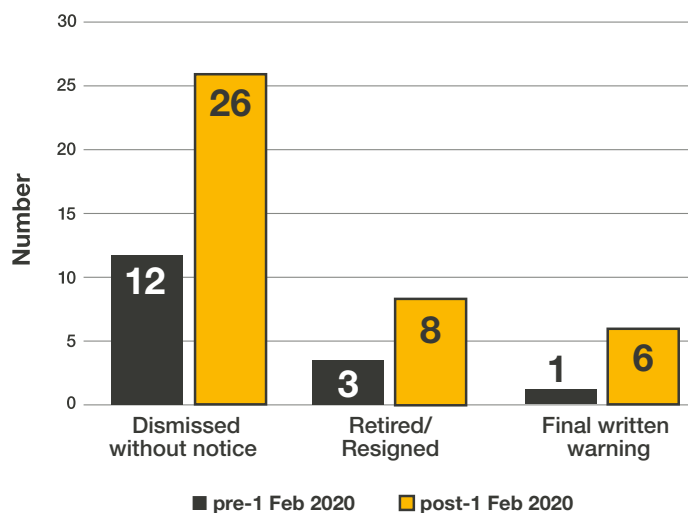
Figure 4: Outcomes following misconduct proceedings 2022/23



In the 56 proceedings where gross misconduct was proven, disciplinary actions were:

- 38 people were dismissed without notice
- 11 people retired/resigned before they could receive their sanction (they would be added to the College of Policing’s barred list if the case to answer decision was gross misconduct)
- seven people received a final written warning

Figure 5: Disciplinary actions following misconduct proceedings where gross misconduct was proven 2022/23



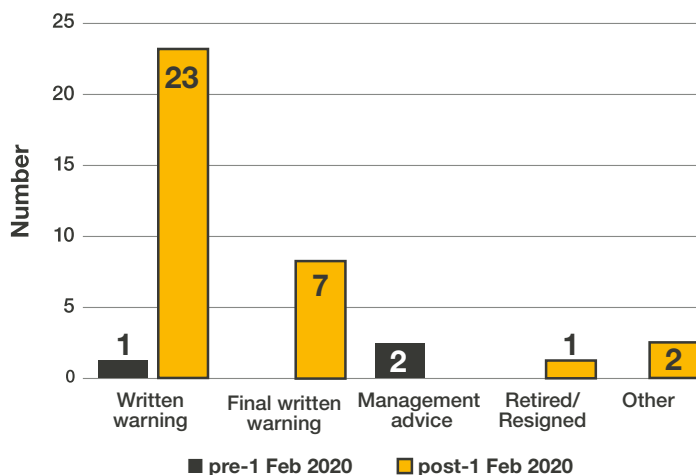
In the 36 proceedings where misconduct was proven:

- 24 people received a written warning
- seven received a final written warning
- two people received management advice
- two people received other actions
- one person resigned before they could receive their sanction

Other actions could include being referred to the reflective practise review process (RPRP), reduced rank, or undertaking an unsatisfactory performance and attendance procedure (UPP).

Of the proceeding held in 2022/23, we directed the appropriate authority to hold them for three police officers and staff. None of these cases found those involved had breached the standards of professional behaviour.

Figure 6: Disciplinary actions following misconduct proceedings where misconduct was proven 2022/23



Criminal proceedings

The fact that criminal proceedings took place during 2022/23 does not necessarily mean the associated IOPC investigation was completed within the same period.

The CPS brought criminal proceedings against 19 police officers and staff following an IOPC investigation in 2022/23. These proceedings resulted in 12 guilty verdicts or pleas. A person can receive more than one sentence/sanction and can be charged or prosecuted for more than one offence. Therefore, there can be more sentences in total than there are verdicts and pleas.

Where the verdict (or plea) was guilty:

- seven received a custodial sentence
- four received a community sentence
- four were fined
- two received a suspended sentence
- one received a driving ban

Figure 7: Table of offences – guilty verdicts 2022/23

Offence convicted	Number
Misconduct in public office	6
Sending grossly offensive messages on a public communications network contrary to S.127 of the Communications Act 2003	3
Causing death by dangerous driving, contrary to s.1 RTA 1988	1
Common assault	1
Offer to supply controlled drug of Class C - Anabolic Steroids	1
Misusing police computers	3
Careless driving	1
Assault by beating	1

The proceedings also resulted in seven not guilty verdicts:

Figure 8: Table of offences – not guilty verdicts 2022/23

Offence charged	Number
Misconduct in a public office	3
Dangerous driving	1
Sending grossly offensive messages on a public communications network contrary to S127 of the Communications Act 2003	2
GBH	1
Racially aggravated common assault	1
Use of noxious substance	1
Using racially abusive words causing harassment, alarm or distress, contrary to section 31(1)(c) of the Crime and Disorder Act 1998	1

Outcomes of thematic investigations

Thematic areas

We implemented thematic case selection in 2019/20. Thematic cases focus on issues that are of the most concern to the public – mental health, abuse of power for sexual purposes (APSP), road traffic incidents (RTI), and race discrimination.

We continue to investigate serious and sensitive cases that fall outside of these thematic areas. Work that does not fall under any of the thematic areas is part of our 'core' work, or under the remit of the Directorate for Major Investigations. Whether something is considered a thematic investigation is decided when it is referred to our assessment unit.

The focus for thematic case selection is identifying potential learning. We identify issues and trends in relation to these themes. This helps to build a body of evidence to identify systemic matters to be addressed and good practice that can be shared – driving real improvements in police practice. Therefore, while an investigation might not result in a misconduct outcome for an individual officer/staff, it may inform learning recommendations for the force. You can read more about this in our [Impact Report](#).

Thematic areas for case to answer decisions 2022/23

Of the 327 subjects whose conduct was investigated in 2022/23 and are not PCCs, 154 were involved in an investigation related to one of the thematic areas.

Thematic area data is not provided for the outcomes of proceedings in this report. This is because many of the investigations involved in those outcomes were started before thematic areas were introduced.

The thematic area Violence against Women and Girls was introduced in 2023/24. There may be cases in the 2022/23 financial year that relate to this area, but will not be labelled since the label was introduced the year after.

The three subjects belonging to elected local policing bodies are not included in this count.

Of the 157 subject officers/staff who had a case to answer for gross misconduct or misconduct, 73 were involved in a thematic investigation. This does not mean that the specific misconduct identified was directly related to the investigation’s thematic area.

Figure 9: All subjects - thematic areas 2022/23

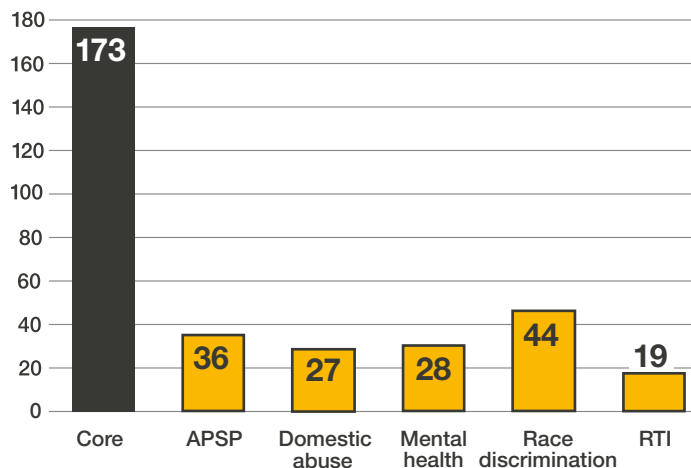
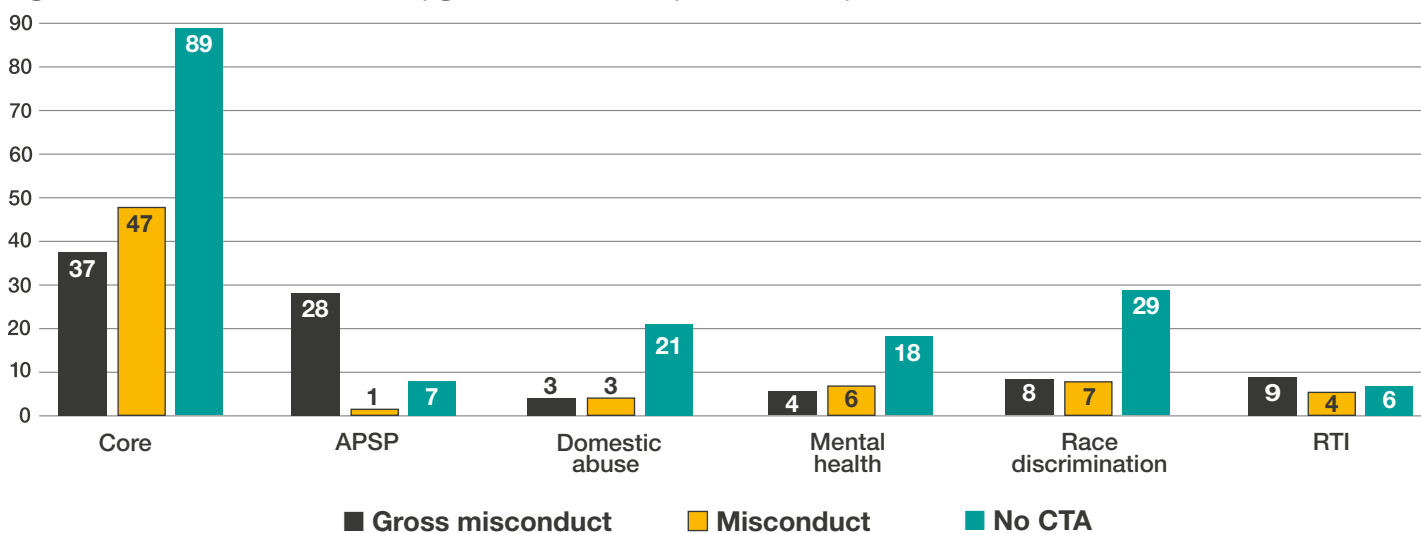


Figure 10: Thematic breakdown, gross misconduct, misconduct, and no case to answer



42% (37) of the 89 people who had a case to answer for gross misconduct were part of a core investigation. 31% (28) were part of an investigation relating to APSP, comprising 78% of the 36 people who were part of APSP related investigations.

Of the 68 people who had a case to answer for misconduct, 69% were core investigations (47). 10% of people (seven) were involved in investigations related to race discrimination.

Of the 170 people who did not have a case to answer, 52% were involved in core investigations (89). 17% (29) were involved in investigations related to race discrimination, making up 66% of all people with a case to answer decision to an investigation related to this area. Further action was taken for 59% (17) of those people.

Where there is no case to answer there may still be learning recommendations for the relevant appropriate authority.

Annexes

Annex A: glossary

Appropriate authority – the appropriate authority is either:

- 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.

Core work – investigations that have a sufficient level of seriousness and public interest that they require independent oversight by the IOPC. Other matters may still attract oversight by the IOPC if they fall into one of our current thematic areas.

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

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

Final written warning – this 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.

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 – 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 – deals with misconduct and can impose disciplinary action up to and including dismissal.

Misconduct meeting – deals 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 – the procedures set out in part six of the *Police (Conduct) Regulations 2020* for handling practice requiring improvement.

Thematic work – investigations that fall into one of our thematic areas, and therefore attract oversight by the IOPC even if they do not meet the requirements of core work. These thematic areas are abuse of power for sexual purposes (APSP), domestic abuse, mental health, near misses, race discrimination, and road traffic incidents (RTI).

Unsatisfactory performance procedures – used to improve someone's performance. It deals with inability or failure to perform to a satisfactory level, but without breaching the standards of professional behaviour.

Written warning – these 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.

Annex B: data considerations

Outcomes following IOPC investigations are recorded on a bespoke database. This 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 its data. As data quality improves, there may be variance with figures reported previously.

This report covers 1 April 2022 to 31 March 2023. The investigations covered in this report may have been completed during this period. However, they may have been completed before 2022/23 with the resulting misconduct proceedings taking place during 2021/22. 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*.

Contact us to find out more about our work or to request this report in an alternative format:

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

May 2024

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